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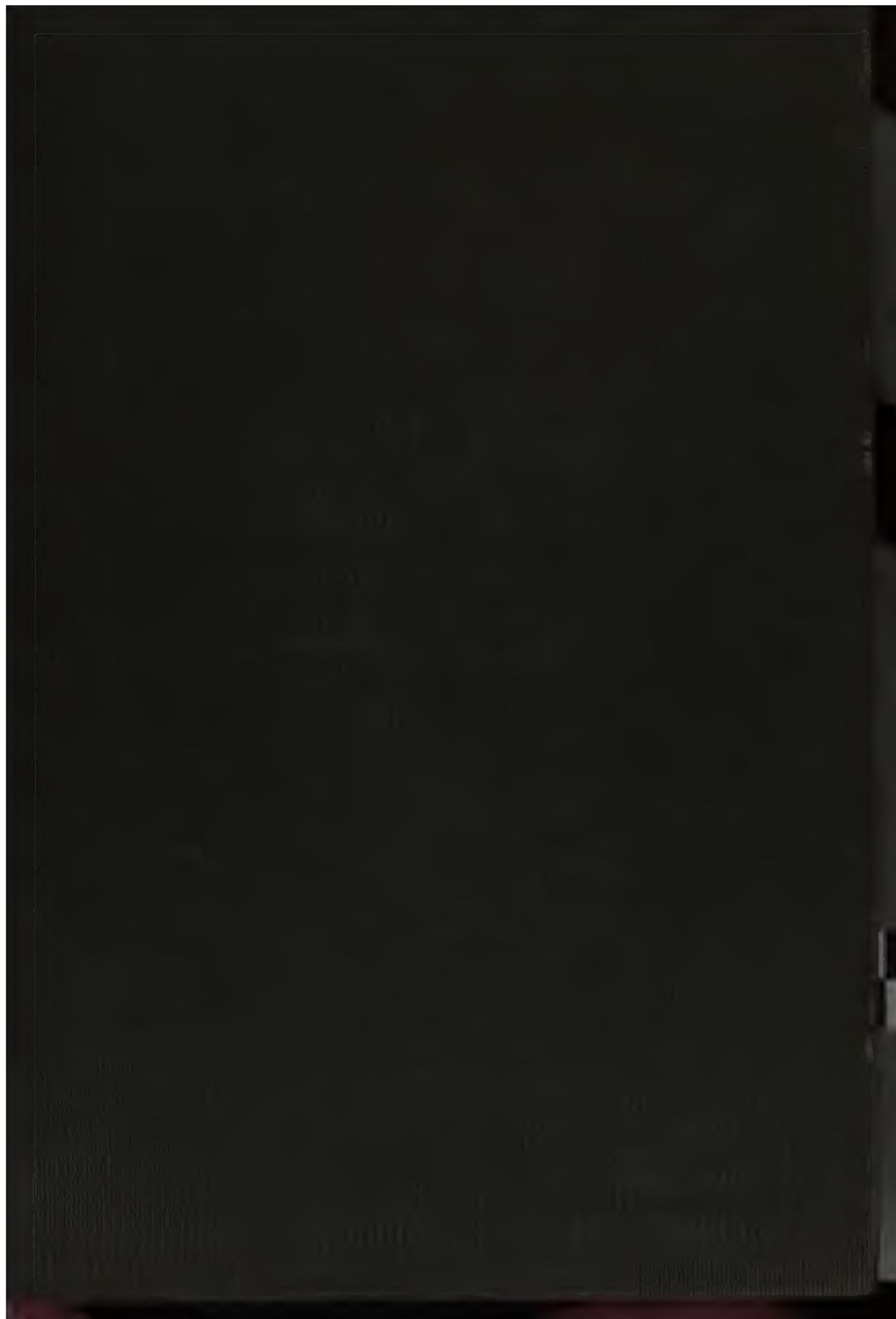
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HISTORY  
OF  
SOUTH CAROLINA



EDITED BY  
YATES SNOWDEN, LL. D.

In collaboration with  
H. G. CUTLER,  
General Historian

*and an Editorial Advisory Board including  
Special Contributors*

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## Editorial Introduction

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The outstanding feature of Carolinian history is that by the logic of geographical position and historic events the colony and commonwealth necessarily became a hardy, self-reliant, independent and defiant body.

Cape Hatteras, a menace to navigation northward; pirates infesting the coast; Spaniards to the southward, and fears of French invasion from the west—all tended to mould the character of the protagonists of what is now South Carolina. Even Maryland and Virginia, accounted Southern soil, were in touch with the Middle colonies, and they, with New England, but the Carolinas were left, from physical necessity or selfish neglect, to shift for themselves.

From the first the Carolinas comprised a domain to be explored or exploited by adventurers and royalty—direct from the Old World. So Ribault came across the Atlantic; but the dream of Coligni was never realized, and the pluck of Ribault and Laudonniere was of no avail, the effort to plant French Protestantism on the South Atlantic coast being crushed by the relentless Spaniard.

More than two decades later, Raleigh's three attempts to plant colonists on Roanoke Island had utterly failed, leaving not even a memory for aftertimes save the birth of Virginia Dare, the first English child on American soil, and the mythical story of a "lost tribe."

The next entry in this story of unmerciful disaster was the attempt of Massachusetts colonists to settle on the Cape Fear River, favorable reports having reached them "concerning the summer land of the new plantations." Later came the Barbadians, who soon returned to their home in the tropics. With the failure of the Cape Fear colony, it seemed for a time as though the Carolinas were doomed to a still-birth without hope of a future. But the bond with the Barbadoes finally held, and for half a century more Southern Carolina continued in its course of industrial hardening and development under Proprietary government.

The English Lords Proprietors were thrifty folk and undoubtedly hoped to realize as much as possible from their Carolina possessions, with the least expenditure of time or money. But, as late as 1675 the Proprietors complained that an expenditure of £10,000 had returned them nothing, but the "charge of 5 or 600 people who expect to live on us." One might question those figures, but the readiness with which several of the noble lords disposed of their proprietary rights would prove that they had suffered heavy losses.

The colonists appreciated independence and the privilege of being given a chance in a new country, but commenced after a time, with the growth of their strength and resources, to demand reciprocity and the right to regulate their home affairs. Had the Proprietors dreamt how valuable the rice crop would become a hundred years later it would have taken a more powerful "Revolution" than that of 1719 to practically deprive them of their holdings. They paid taxes to the Crown

through the Proprietors and later traded with the mother country in indigo, cotton and rice, and also sent their cattle and products of the soil to the Barbadoes. With the American colonies South Carolina had comparatively little intercourse.

The lone colony had also to fight battles with the mountain tribes egged on by the French of the Mississippi Valley, and with the swamp tribes incited against them by their old-time enemies, the Spaniards. Little help came from the northward, and the mother country and the Barbadoes planters and proprietors continued to draw from South Carolina's resources and let her escape from her difficulties and dangers as best she could. After enduring this incubus for fifty years, South Carolina unsaddled her middlemen, who were draining her vitality without adequate return. "Now," thought the hardy and patient South Carolinians, "when we deal directly with the Great Good Father, we shall have protection from the Crown and succor in times of dire need!" What happened?

Royalty essayed to found the buffer colony of Georgia for the benefit of South Carolina; a buckler against both France and Spain and their Indian allies in the West and South. The adventure proved too expensive and hazardous, and Georgia—weak and unorganized—proved another burden on the shoulders of South Carolina, which the colony was often obliged to protect at the cost of its own blood and treasure. Still no succor from the Crown!

And so the fight for existence and growth continued to be waged by the colonists themselves for more than a century. At last, during one of the fierce Cherokee campaigns in the up-country of South Carolina in 1760 two regiments of British Regulars were shipped from New York to the Orphan Colony. The Cherokees were temporarily subdued, and from that time the Mother Country assumed a mortgage on South Carolina soil. The regulars commenced to quarter themselves in Charleston and elsewhere, dependent on favorable accommodations, and Great Britain appeared to consider that South Carolina had been laid under obligations which could never be repaid. The colonists had good memories, and claimed that the debt was on the other side of the ledger.

But British statesmen had gone too far in attempting "to reduce the Plantations to a stricter obedience," and thus South Carolina became engulfed in the Revolutionary war. During that period also the colony now having assumed statehood, was left largely to its own devices. But in this case it was nobody's fault. The colonies, desperately poor in men and means, and in conflict with a world power, were straining every nerve to keep above ground. Washington did what he could, but there were few men to spare. Several of the decisive conflicts were fought on South Carolina soil, and much of the strength and effectiveness of the patriots was born from South Carolina's virility and independence. Bancroft, the historian, not always a willing witness, says: "Left mainly to her own resources, it was through the depths of wretchedness that her sons were to bring her back to her place in the Republic, after suffering more and daring more, and achieving more, than the men of any other State."

Every influence and condition of her settlement, and of her government whether Proprietary, Royal, Colonial, or as a member of the Federal Union; her commercial and industrial status; her history and traditions of independence from the first seem to have foreordained that South Carolina should be the great exponent of the right of the States to manage their own affairs. She was trained to that viewpoint from her birth.



That being the case, it was evident that when the war between the states should come, South Carolina would be regarded in the north as the vital personification of that idea, logically and practically developed by her leadership in nullification and secession. Therefore, it was perhaps but natural that South Carolina should be selected by the North to be especially humiliated when the overwhelming armies of that section could bring it about. Gen. W. T. Sherman no doubt voiced the opinion of soldiers of his type when he wrote to General Halleck from Savannah on December 24, 1864: "The truth is, the whole army is burning with an insatiable desire to wreak vengeance upon South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her."

Happily these times of civil stress and storm are past. Only a few years after the war the delegates from South Carolina and Massachusetts to a Congress of reconciliation held in Philadelphia, walked arm-in-arm into the Convention Hall to the chorus of acclaiming shouts.

Despite the crisis caused by negro rule, the frauds of political adventurers from the North and everywhere, and the crimes and mistakes of the Reconstruction period, South Carolina has redeemed herself by the wisdom and bravery of her real leaders. The old time fighting spirit flared up in the War for World Democracy, and the Palmetto Flag was proud to wave beneath the Stars and Stripes of a reunited Country, whose self-sacrifice and bravery were confined to no State or States.

This history aims to be an expansion in detail of the evolution of South Carolina as a self-reliant, independent, and, in many respects, unique commonwealth of the American Union.



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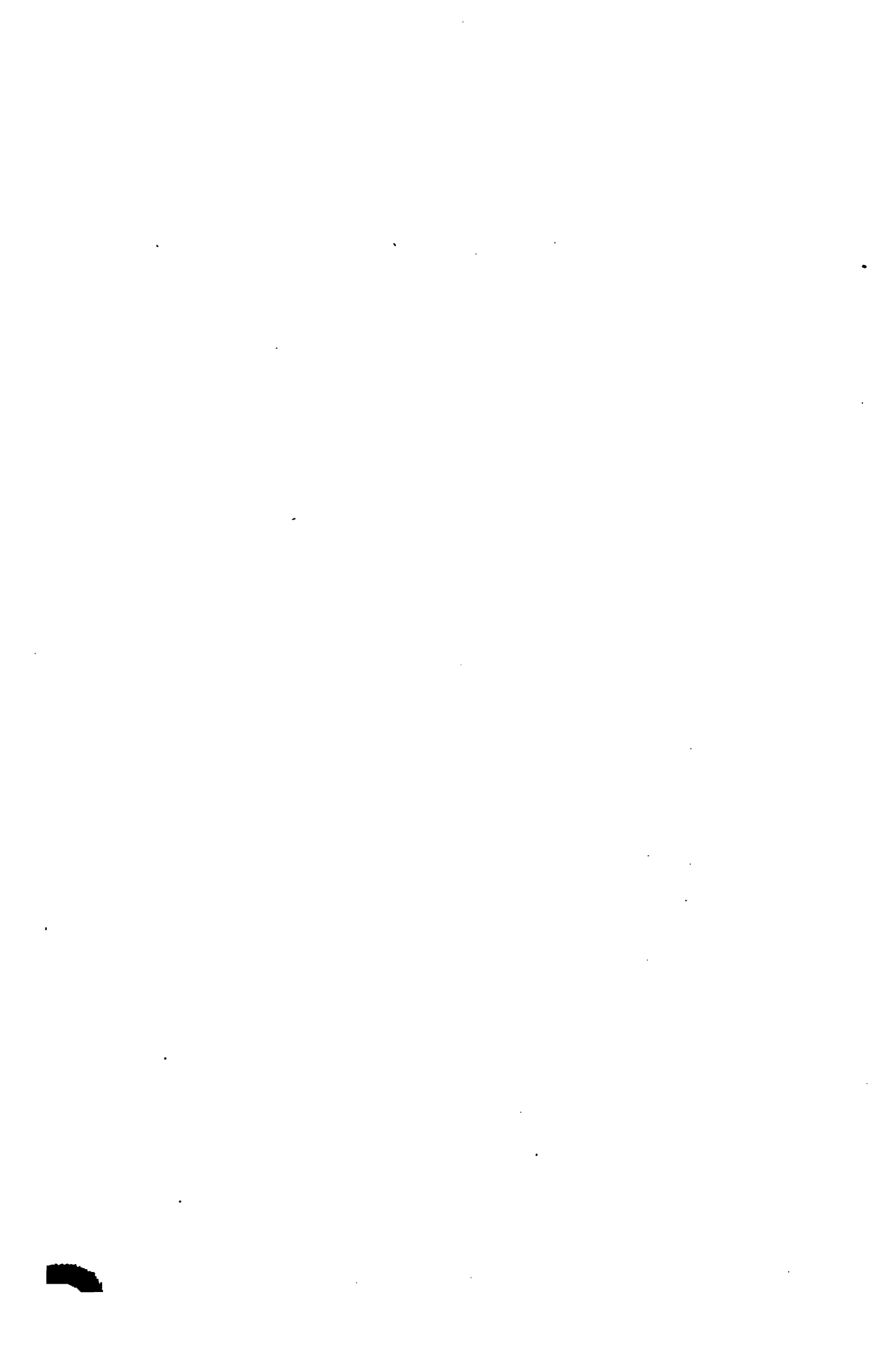
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# **PART I**

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## **Proprietary Administration 1670-1719**



# History of South Carolina

## CHAPTER I

### HUGUENOT ATTEMPTS TO COLONIZE CAROLINA

It is not necessary to review all the sailings of the Cabots, under the flag of England, who brushed along the coasts of the Northern Atlantic, or the mythical quests and landfalls of Juan Ponce de Leon, the Spaniard, in the Southern regions of what now we call the United States. What matters it that Vasquez de Ayllon, Narvaez, De Soto and others of that band of adventurers enabled the geographers and royal grabbers of Spain to claim a south and southwestern domain? However kindly Spain may have dealt with the Philippines, that member of the European family was a deformed hideous old man of the sea, with a mailed fist of iron hiding long, cruel claws.

Until France came—vital, ambitious, brave, ideal France—nothing occurred to influence or presage a future America of free growth; even its priests and adventurers were so human that their scheme of conquest was based upon friendship with the natives, even to the point of intermarriage and the creation of a mongrel race. It is true they bribed and played upon native credulity, but at the same time the French were instinctively friendly and whole-souled, and some of their finest characters lent their genius and lives to the conquest of the New World in this spirit.

It was France which sent to Carolina the first of that endless historic procession of colonists who sought in the New World surcease from some form of depression or oppression in the Old—religious, political, industrial, and so on to the end of the list. The wars between Roman Catholicism and Protestantism threatened the very foundation of the Empire. Spain was in league with the Catholic party which controlled France, and ere long wars of religion were not confined to France, but cast their withering blight upon the shores of Florida and Carolina.

### FIRST WAVE OF EMIGRATION FROM THE OLD WORLD

Came the time when France, both Catholic and protesting Huguenot, realized that the bloody feud must cease, or the power and prestige of the kingdom decay. Gaspard de Coligny, the great Admiral of France, Nicholas Durand de Villegagnon, the valiant Knight of Malta, and John Calvin himself, were the trinity who propelled the first wave of emigration from the Old to the New World. Coligny was the overseer of the grand adventure; Villegagnon was the captain of the first expedition to Brazil. Through the ambition and purse of Henry IV, who also saw the need of an outlet for the implacable and danger-

ous heretics of his realm; through the good offices of Coligny, who became the director general of emigration, both from policy and sympathy for the cause of the Huguenots, strengthened by admiration for their moral and intrepid character, and through the somewhat secret co-operation of John Calvin, the expedition under Villegagnon sailed from Havre July 12, 1555. Its personnel comprised the Huguenots who went on this quest for conscience sake, a sprinkling of noble adventurers and other restless spirits, and not a few artisans. Early in November the two ships sighted the harbor of Ganabara, and the little settlement which soon arose was the foundation of Rio Janeiro. In 1557 another colony arrived, even more pronounced in its French Protestant character; but there was enough of the Catholic leaven to work mischief, especially as necessary provisions for the colony failed to arrive from Coligny. The leader renounced Protestantism, banished and drowned a number of Calvinistic leaders, and finally himself sailed for France to wage verbal war against the great Protestant at Geneva. In 1558 the Portugese destroyed the fort and settlement at Ganabara, and the experiment of planting Protestants in South America was abandoned.

Henry II died in 1559 and Charles IX came to the throne, with his wily mother in complete control. Charles completely succumbed to the Catholicism of Spain, but realized no less than Henry that it was politic to give the Huguenots asylum; and what plan easier than to send them across the sea to the wilderness of the New World? It was also in line with the wishes of his powerful admiral, Coligny, head of the noble house which the elder Coligny had founded and through the mother, Louise de Montmorency, united with another royal family of France. Coligny and the able and valiant Prince de Condé were now avowed Huguenot leaders, and in 1562, four years after the destruction of the Protestant settlement on the shores of Brazil, even the King of France did not see fit to oppose his will to the inclinations of such great men of the realm, and so the second attempt to found a "Geneva in the wilderness" was made upon the shores of what is now South Carolina.

#### THE RIBAUT EXPEDITION

France whose flag now floats over sixty-one million colonials, had never been a successful colonizer, and the expedition which was now organized and financed by the royal Charles, was military in its character, and placed in command of Jean Ribault of Dieppe, a practical seaman and a stanch Huguenot. With the sailors was a force of veteran soldiers and a few nobles. Among the latter was Rene de Laudonniere, a member of the great house of Chatellon or Chastillon, of which Admiral Coligny was the head. He had the reputation of being an able man, and had the foresight to keep a journal of the voyage, which commenced at Havre on February 18, 1562. Ribault also kept a journal and made a report of his voyage to Coligny, but the original has never been found, the information conveyed was lacking in detail, and, being more a man of action than a recorder, Ribault's account would necessarily be placed in the background even if it were known to be authentic. The Laudonniere journal was published during the life of the author in 1586 under the title, "*Histore Notable de la Floride*," and three years later translated by the great English geographer and historian of American discoveries, Richard Hakluyt, and incorporated in his famous original work "*Principal Navigations*."

\* LAUDONNIERE'S NARRATIVE OF FIRST HUGUENOT SETTLEMENT

It is this translation which is here reproduced, in the main, as it gives a graphic account of the voyage of the Ribault expedition directly across the Atlantic to the coast of the future South Carolina, the founding of Port Royal and its tragic dissolution. Its full title in the Hakluyt publication is "Narrative of Ribault's Whole and True Discovery of Terra Florida as far North as 36 Degrees, and the Founding of the First Settlement of French Protestants in America 1562."

"My Lord Admiral of Chastillon, a noble man more desirous of the public than of his private benefit, understanding the pleasure of the King, his Prince, which was to discover new and strange countries, caused vessels fit for this purpose to be made ready with all diligence, and men to be levied meet for such an enterprise. Among whom he chose Captain John Ribault, a man in truth expert in sea causes; which having received his charge, set himself to sea the year 1562, the eighteenth of February, accompanied only with two of the King's ships, but so well furnished with gentlemen (of whose number I myself was one) and with old soldiers, that he had means to achieve some notable thing and worthy of eternal memory. Having therefore sailed two months, never holding the usual course of the Spaniards, he arrived in Florida, landing near a cape or promontory, which is no high land because the coast is all flat, but only rising by reason of the high woods, which at his arrival he called Cape Francois in honor of our France. This Cape is distant from the equator about thirty degrees. Coasting from this place towards the north, he discovered a very fair and great river, which gave him occasion to cast anchor and he might search the same the next day very early in the morning; which being done by the break of day, accompanied with Captain Fiquinville and divers other soldiers of his ship, he was no sooner arrived on the brink of the shore, but straight he perceived many Indians, men and women, who came of purpose to that place to receive the Frenchmen with all gentleness and amity, as they well declared by the oration which their king made, and the presents of chamois skin wherewith he honored our captain, which the day following caused a pillar of hard stone to be planted within the said river, and not far from the mouth of the same upon a little sandy cape, on which pillar the arms of France were carved and engraved.

MEETS AN INDIAN KING

"This being done he embarked himself again, to the end always to discover the coast toward the North which was his chief desire. After he had sailed a certain time he crossed over to the other side of the river, then in the presence of certain Indians, which of purpose did attend him, he commanded his men to make their prayers, to give thanks to God, for that of His Grace he had conducted the French nation into these strange places without any danger at all. The prayers being ended, the Indians which were very attentive to hearken unto them, thinking, in my judgment, that we worshipped the sun, because we always had our eyes lifted up toward heaven, rose all up and came to salute the Captain John Ribault, promising to show him

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\* In this and other old historic documents, published in the South Carolina history, the editor has assumed the privilege of making such interesting papers more accessible and attractive to the average reader by breaking up the solid text into paragraphs and sub-heads. The latter, of course, do not follow the spelling or grammatical construction of the body of the text.



Caudomière



Caudonnière

Finding not the king there, who had by this time gone home to his house, we entered into our boats and sailed toward our ships; where after we arrived, we called this river the river of May, because we discovered it the first day of said month.

#### NINE RIVERS NAMED IN HONOR OF FRANCE

"Soon after we returned to our ships, we weighed our anchors and hoisted our sails to discover the coast farther forward, along which we discovered another fair river, which the captain himself was minded to search out, and having searched it out with the king and the inhabitants thereof, he named it Seine, because it is very like the river of Seine in France. From this river we retired toward our ships, where, after arriving, we trimmed our sails to sail further toward the North, and to descry the singularities of the coast. But we had not sailed any great way before we discovered another very fair river, which caused us to cast anchor over against it, and to trim out two boats to go to search it out. We found there an isle and a king no less affable than the rest; afterwards we named the river Somme.

"From thence we sailed about six leagues, after we discovered another river, which, after we had viewed, was named by us by the name of Loyre. And consequently we there discovered five others; whereof the first was named Charenthe, the second Garonne, the third Gironde, the fourth Belle, the fifth Grande; which being very well discovered with such things as were in them, by this time in less than the space of three score leagues we had found out many singularities along nine rivers.

#### DISCOVERS THE RIVER JORDAN

"Nevertheless not fully satisfied we sailed yet further toward the North, following the course that might bring us to the river Jordan, one of the fairest rivers of the North, and holding our wanted course, great fogs and tempests came upon us, which constrained us to leave the coast to bear toward the main sea, which was the cause that we lost sight of our Pinnesses a whole day and night until the next day in the morning, which time, the weather waxing fair and the sea being calm, we discovered a river which we called Belle à voir.

#### DESCRIBES THE PORT ROYAL REGION

"After we had sailed three or four leagues, we began to espy our Pinnesses, which came straight toward us, and at their arrival they reported to the captain that while the fogs and wild weather endured they harbored themselves in a mighty river, which in bigness and beauty exceeded the former; wherewithall the captain was exceedingly joyful, for his chief desire was to find out a haven to harbor his ships, and there to refresh ourselves for awhile. Thus making thitherward we arrived athwart the said river (which because of the fairness and largeness thereof we named Port Royal) we stroke our sails and cast anchor at ten fathoms of water; for the depth is such, namely when the sea beginneth to flow, that the greatest ships of France, yea, the Arguzes of Venice may enter there. Having cast anchor, the captain with his soldiers went on shore, and he himself went first on land; where we found the place as pleasant as was possible, for it was all covered with mighty high oaks and infinite stores of cedars, and with Lentiskes growing underneath them, smelling so sweetly, that the very



fragrant odor only made the place seem exceedingly pleasant. As we passed through these woods we saw nothing but turkeycocks flying in the forests, partridges, gray and red, little different from ours, but chiefly in bigness. We heard also within the woods the voices of stags, bears, lusernes, leopards and divers other sorts of beasts unknown to us. Being delighted with the place, we set ourselves to fishing with nets, and we caught such a number of fish, that it was wonderful. And among others, we took a certain kind of fish which we called salicoques, which were no less than creuses, so that two draughts of the net was sufficient to feed all the companies of our two ships for a whole day.

"The river at the mouth thereof from cape to cape is no less than three French leagues broad; it is divided into two great arms whereof one runneth towards the West, and the other towards the North. And I believe in my judgment that the arm that stretches toward the North runneth up into the country as far as the River Jordan, the other arm runneth into the sea, as it was known and understood by those of our company, which were left behind to dwell in this place. These two arms are two great leagues broad; and in the middle of them is an isle, which pointed towards the opening of the great river, in which island there are infinite numbers of all sorts of strange beasts. There are Simples growing there of so rare properties, and in such great quantities that it is an excellent thing to behold them. On every side there is nothing to be seen but palm trees, and other sorts of trees bearing blossoms and fruits of very rare shape and very good smell.

"But seeing the evening approach, and that the captain determined to return unto the ships, we prayed him to suffer us to pass the night in this place. In our absence the pilots and chief mariners advised the captain that it was needful to bring the ships further up within the river, to avoid the dangers of the winds which might annoy us, by reason of our being so near to the mouth of the river; and for this cause the captain sent for us. Being come to our ships, we sailed three leagues up within the river, and there we cast anchor. A little while after, John Ribault accompanied with a good number of soldiers embarked himself, desirous to sail further up into the arm that runneth toward the West, and to search the commodities of the place. Having sailed twelve leagues at the least, we perceived a troop of Indians, who, as soon as they espied the Pinnesses, they were so afraid that they fled into the woods leaving behind them a young lucerne which they were turning into a spit; for which the place was called Cape Lucerne.

"Proceeding forth on our way, we found another arm of the River, which ran toward the east, up which the captain determined to sail and to leave the great current. A little while after they began to espy divers other Indians both men and women half hidden within the woods; who knowing not that we were such as desired their friendship, were dismayed at the first, but soon after were emboldened, for the captain caused store of merchandise to be showed to them openly whereby they knew that we meant nothing but well unto them; and then they made a sign that he should come on land, which he would not refuse.

"At our coming on shore divers of them came to salute our general according to their barbarous fashion. Some of them gave him skins of chamois, others little baskets made of palm leaves, some presented him with pearls, but no great number. Afterward they went about to make an arbor to defend us in that place from the parching

heat of the sun. But we would not stay as then. Wherefore the captain thanked them much for their good will, and gave presents to each of them, wherewith he pleased them so well before he went thence, that his sudden departure was nothing pleasant unto them. For knowing him to be so liberal, they would have wished him to have stayed a little longer, seeking by all means to give him occasion to stay, showing him by signs that he should stay but that day only, and that they desired to advertise a great Indian Lord who had pearls in great abundance, and silver also, all of which should be given unto him at the king's arrival; saying further that in the meantime while that this great Lord came thither, they would lead him to their houses, and show him there a thousand pleasures in shooting, and seeing the stag killed, therefore they prayed him not to deny them their request.

#### THE CAPTAIN PLANTS ROYAL PILLARS

"Notwithstanding we returned to our ships, where after we had been but one night, the captain in the morning commanded to put into the Pinnesses a pillar of hard stone fashioned like a column, wherein the arms of the King of France were engraven, to plant the same in the fairest place he could find. This done, we embarked ourselves, and sailed three leagues toward the West, where we discovered a little river up which we sailed so long, that in the end we found it returned into the great current, and in its return to make a little island separated from the firm land where we went on shore; and by commandment of the captain, because it was exceedingly fair and pleasant, there we planted the pillar upon a hillock open round about to view, and environed with a lake half a fathom deep of very good and sweet water. In which land we saw two stags of exceeding bigness, in respect of those which we had seen before, which we might have easily killed with our harguebuzes, if the captain had not forbidden us, moved with the singular fairness and bigness of them. But before our departure we named the little river which environed this isle, the River of Liborne. Afterward we embarked ourselves to search another isle not far distant from the former; wherein after we had gone on land, we found nothing but tall cedars, the fairest that were seen in this country. For this cause we called it the Isle of Cedars; so we returned into our Pinnesses to go toward the ships.

#### TAKE TWO INDIANS ON SHIPBOARD

"A few days afterward John Ribault determined to return once again toward the Indians who inhabited that arm of the river which runneth toward the West, and to carry with him good stores of soldiers. For his meaning was to take two Indians of this place to bring them into France, as the Queen had commanded him. With this deliberation again we took our former course so far north, that at the last we came to the self same place where at the first we found the Indians; from thence we took two Indians by the permission of the king, who, thinking that they were more favored than the rest, thought themselves very happy to stay with us. But these two Indians seeing we made no show at all that we would go on land, but rather that we followed the middle of the current, began to be somewhat offended, and would by force have leaped into the water, for they are so good swimmers that immediately they would have gotten into the forests. Nevertheless being acquainted with their humor, we watched them narrowly and sought by all means to appease them; which we could

not by any means do for that time, though we offered them things which they much esteemed, which things they disdained to take, and gave back again whatsoever was given them, thinking that such gifts should have altogether bound them, and that restoring them they should be restored unto their liberty. In fine, perceiving that all that they did availed them nothing, they prayed us to give them those things which they had restored, which we did incontinent; then they approached one toward the other and began to sing, agreeing so sweetly together, that in hearing their song it seemed that they lamented the absence of their friends. They continued their song all night without ceasing; all of which time we were constrained to lie at anchor by reason of the tide that was against us, but we hoisted sail the next day very early in the morning, and returned to our ships.

"As soon as we were come to our ships, every one sought to gratify these two Indians, and to show them the best countenance that was possible; to the intent that by such courtesies they might perceive the good desire and affection which we had to remain their friends in time to come. Then we offered them meat to eat, but they refused it, and made us understand that they were accustomed to wash their face and to stay until the sun were set before they did eat, which is a ceremony common to all the Indians of New France. Nevertheless in the end they were constrained to forget their superstitions, and to apply themselves to our nature, which was somewhat strange to them at first. They therefore became more (*sic*), every hour made us 1,000 discourses, being marvelously sorry that we could not understand them. A few days after they began to bear so good will towards me, that, as I think, they would rather have perished with hunger and thirst, than have taken their refection at any man's hand but mine.

#### LAUDONNIERE STUDIES THE INDIAN TONGUE

"Seeing this, their good will, I sought to learn some Indian words, and began to ask them questions, showing them the thing whereof I desired to know the name, how they called it. They were very glad to tell it to me, and knowing the desire that I had to learn their language, they encouraged me afterwards to ask them every thing. So that putting down in writing the words and phrases of the Indian speech, I was able to understand the greatest part of their discourses.

"Every day they did nothing but speak unto me of the desire that they had to use me well, if we returned unto their houses, and cause me to receive all the pleasures that they could devise, as well in hunting as in seeing their very strange and superstitious ceremonies at a certain feast which they called *Toya*. Which feast they observed as straightly as we observe the Sunday.

#### FABULOUS INDIAN CITY

"They gave me to understand that they would bring me to see the greatest Lord of this country who they called *Chiquola*, who exceeded them in height (as they told me) a good foot and a half. They said unto me that he dwelt within the land in a very strange place and inclosed exceedingly high, but I could not learn wherewith. And as far as I can judge, this place whereof they spoke unto me, was a very fair city. For they said unto me that within the inclosure there was great store of houses which were built very high, wherein there was an infinite number of men like unto themselves, which made no account of gold, of silver, nor of pearls, seeing they had thereof in

abundance. I began then to show them all the parts of heaven, to the intent to learn in which quarter they dwelt. And straightway one of them stretching out his hand showed me that they dwelt toward the North, which makes me think that it was the river of Jordan. And now I remember that in the reign of the Emperor Charles the Fifth, certain Spaniards inhabitants of S. Domingo (which made a voyage to get certain slaves to work in their mines) stole away by subtlety the inhabitants of this river, to the number of 40, thinking to carry them into their New Spain. But they lost their labor; for in despite they died all for hunger, saving one that was brought to the emperor, which a little while after he caused to be baptized, and gave him his own name and called him Charles of Chiquola because he spoke so much of this Lord of Chiquola whose subject he was. Also he reported continually, that Chiquola made his home within a very great inclosed city. Besides this proof, those which were left in the first voyage have certified me, that the Indians showed them by evident signs, that farther within the land toward the North, there was a great inclosure or city, where Chiquola dwelt.

#### INDIANS ESCAPE

"After they had stayed awhile in our ships, they began to be sorry, and still demanded of me when they should return. I made them understand that the captain's will was to send them home again, but that first he would bestow apparel of them, which a few days after was delivered unto them. But seeing he would not give them license to depart, they resolved with themselves to steal away by night, and to get a little boat which he had, and by the help of the tide to sail home toward their dwellings, and by this means to save themselves. Which thing they failed not to do, and put their enterprise in execution, yet leaving behind them the apparel which the captain had given them, and carrying away nothing but that which was their own, showing well hereby that they were not void of reason. The captain cared not greatly for their departure, considering they had not been used otherwise than well; and that therefore they would not estrange themselves from the Frenchmen.

#### THE CAPTAIN ASKS FOR VOLUNTEER COLONISTS

"Captain Ribault therefore knowing the singular fairness of this river, desired by all means to encourage some of his men to dwell there, well foreseeing that this thing might be of great importance for the king's service, and the relief of the commonwealth of France. Therefore proceeding on with this intent he commanded the anchors to be weighed and to set things in order to return unto the opening of the river, to the end that if the wind came fair he might pass out to accomplish the rest of his meaning. When therefore we were come to the mouth of the river, he made them cast anchor, whereupon we stayed without discovering anything all the rest of the day. The next day he commanded that all the men of his ship should come upon the deck, saying that he had somewhat to say unto them. They all came up, and immediately the captain began to speak unto them in this manner:

"I think there is none of you that are ignorant of how great consequence this our enterprise is, and how acceptable it is unto our young king. Therefore, my friends (as one desiring your honor and benefit), I would not fail to advise you all of the exceeding good hap-

piness which should fall to them, which as men of value and worthy courage, would make trial in this our first discovery of the benefits and commodities of this new land; which should be, as I assure myself, the greatest occasion that ever could happen unto them, to arise under the title and degree of honor. And for this cause I was desirous to propose unto you and set down before your eyes the eternal memory which of right they deserve, which forgetting both their parents and their country have had the courage to enterprise a thing of such importance which even kings themselves understanding to be men aspiring to so high degree magnanimity and increase of their majesties, do not disdain so well to regard, that afterwards employing them in matters of weight and of high enterprise, they make their names immortal forever. Howbeit, I would not have you persuade yourselves, as many do, that you shall never have such good fortune as not being known either to the king nor to the princes of the realm, and besides descending of so poor a stock, that few or none of your parents, having ever made profession of arms, have been known unto the great estates. For albeit that from my tender years I myself have applied all my industry to follow them, and have hazarded my life in so many dangers for the service of my prince yet could I never attain thereunto (not that I did not deserve this title and degree of government) as I have seen it happen to many others, only because they descend of a noble race, since more regard is had of their birth than of their virtue. For well I know if virtue were regarded there would more be found worthy to deserve the title, and by good rights be named noble and valiant. I will therefore make sufficient answer to such propositions and such things as you may object against me, laying before you the infinite examples which we have of the Romans; which concerning the point of honor were the first that triumphed over the world. For how many find we among them, which for their so valiant enterprises, not for the greatness of their parentage, have attained the honor to triumph? If we have recourse unto their ancestors, we shall find that their parents were of so mean condition, that by laboring with their hands they lived very basely.' "

Laudonniere here cites, with apposite comment, the extraordinary career of Aelius Pertinax, who rose from the humblest of poor artisans to be Emperor of the Romans; of Agathocles, the son of a potter, who became King of Sicily, and of others, continuing: "How much then ought so many worthy examples to move you to plant here? Considering also that you shall be registered forever as the first that inhabited this strange country. I pray you therefore all to advise yourselves thereof, and to declare your minds freely unto me, protesting that I will so well imprint your names in the king's ears, and the other princes, that your renown shall hereafter shine unquenchable through our realm of France."

#### BUILDS A FORT FOR TWENTY-SIX WHO REMAIN

"He had scarcely ended his oration, but the greatest part of our soldiers replied: that a greater pleasure could never betide them, perceiving well the acceptable service which by this means they should do unto their Prince; besides that this thing should be for the increase of their honors; therefore they besought the Captain before he departed out of the place, to begin to build them a fort, which they hoped afterward to finish, and leave them munition necessary for their defense, showing as it seemed that they were displeased, that it was so long in doing.

"Whereupon John Ribault, being as glad as might be to see his men so well willing, determined the next day to search the most fit and con-

venient place to be inhabited. Wherefore he embarked himself very early in the morning and commanded them to follow him that were desirous to inhabit there, to the intent that they might like the better of the place. Having sailed up the great river on the north side, in coasting an isle which ended with a sharp point toward the mouth of the river, having sailed awhile, he discovered a small river, which entered into the island, which he would not fail to search out. Which done, and finding the same deep enough to harbor therein gallies and galliots in good number, proceeding further, he found a very open place, opening upon the brink thereof, where he went on land, and seeing the place fit to build a fortress in, and commodious for them that were willing to plant there, he resolved incontinent to cause the size of the fortification to be measured out. And considering that there stayed but six and twenty there, he caused the fort to be made in length about sixteen fathoms, and thirteen in breadth, with flanks according to the proportion thereof. The measure being taken by me and Captain Salles, we sent unto the ships for men, and to bring shovels, pickaxes, and other instruments necessary to make the fortification. We traveled so diligently, that in a short space the fort was made in some sort defensible.

#### SPEECH TO CAPTAIN ALBERT, IN COMMAND

"In which mean time John Ribault caused victuals and warlike ammunition to be brought for the defense of the place. After he had furnished them with all such things as they had need of, he determined to take his leave of them. But before his departure he used this speech unto Captain Albert, which he left in this place.

"'Captain Albert, I have to request you in the presence of all these men, that you would acquit yourself so wisely in your charge, and govern so modestly your small company which I leave you, which with so good cheer remaineth under your obedience, that I never have occasion but to commend you, and to recount unto the King (as I am desirous) the faithful service which before us all you undertake to do him in his new France. And you, companions (quoth he to the soldiers), I beseech you also to esteem of Captain Albert as if he were myself that stayed here with you, yielding him that obedience which a true soldier oweth unto his general and captain, living as brothers one with another without all dissention; and in so doing God will assist you and bless your enterprises.'

#### CHARLES FORT AND PORT ROYAL NAMED

"Having ended his exhortation, we took our leave of each of them, and sailed toward our ships, calling the fort by the name of Charles Fort, and the river by the name of Chenonceau. The next day we determined to depart from this place, being as well contented as was possible that we had so happily ended our business with good hope, if occasion would permit, to discover perfectly the river of Jordan. For this cause we hoisted our sails about ten o'clock in the morning; after we were ready to depart Captain Ribault commanded to shoot off our ordinance (sic) to give a farewell unto our Frenchmen, which failed not to do the like on our part. This being done, we sailed toward the North, and then we named this river Port Royal, because of the largeness and excellent fairness of the same.

"After that we had sailed about fifteen leagues from thence, we espied a river, whereupon we sent our Pinesses thither to discover it.

At their return they brought us word that they found not past half a fathom of water in the mouth thereof. Which, when we understood without doing anything else, we continued on our way, and called it the Base of Shallow River. As we still went on sounding we found not past five or six fathoms of water, although we were six good leagues from the shore. At length we found not more than three fathoms, which gave us occasion greatly to muse.

#### DECIDES TO SAIL FOR FRANCE

"And without making any further way we struck our sails, partly because we wanted water, and partly because the night approached; during which time Captain John Ribault bethought with himself whether it was best for him to pass any further, because of the imminent dangers which every hour we saw before our eyes, or whether he should content himself with that which he had certainly discovered, and also left men to inhabit the country. Being not able for that time to resolve with himself, he referred it until the next day. The morning having come, he proposed to all the company what was best to be done, to the end that with good advertisement every man might deliver his opinion. Some made answers that according to their judgment he had occasion fully to content himself, considering that he could do no more; laying before his eyes, that he had discovered more in six weeks, than the Spaniards had done in two years in the conquest of their New Spain; and that he should do the King very great service, if he did bring him news in so short a time of his happy discovery. Others showed unto him the loss and spoil of his victuals, and on the other side the inconvenience that might happen by the shallow water that they found continually along the coast. Which things being well and at large debated we resolved to leave the coast forsaking the North, to take our way towards the East, which is the right way and course to our France, where we happily arrived the twentieth day of July in the year 1562."

#### THOSE LEFT BEHIND IN CHARLES FORT \*

"Our men, after our departure, never rested, but night and day did fortify themselves, being in good hope that after their fort was finished, they would begin to discover farther up the river. It happened one day as certain of them were cutting of the roots in the groves that they espied on the sudden an Indian that hunted the deer, which finding himself so near upon them, was much dismayed, but our men began to draw near unto him, and to use him so courteously, that he became assured and followed them to Charles Fort, where every man sought to do him pleasure. Captain Albert was very joyful of his coming, which, after he had given a shirt and some other trifles, he asked him of his dwelling; the Indian answered him that it was farther up the river, and that he was a vassal of King Audusta; he also showed him with his hand the limits of his habitation. After much other talk, the Indian desired leave to depart, because it drew toward night, which Captain Albert granted him very willingly.

#### CAPTAIN ALBERT MEETS KING AUDUSTA

"Certain days after the Captain determined to sail toward Audusta, where after arriving, by reason of the honest entertainment which he

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\* A continuation of the Laudonniere Journal under the title "The State and Condition of These Which (sic) Were Left Behind in Charles Fort."

had given the Indian, he was so courteously received, that the king talked with him of nothing else but of the desire which he had to become his friend; giving him besides, to understand that he being his friend and ally, he should have the amity of four other kings, who in might and authority were able to do much for his sake. Besides all this, in his necessity they might be able to succor him with victuals. One of these Kings was called Mayon, another Hoya, the third Touppa, and the fourth Stalame. He told him, moreover, that they would be very glad when they should understand the news of his coming, and therefore he prayed him to vouchsafe to visit them. The captain willingly consented unto him, for the desire that he had to purchase friends in that place. Therefore they departed the next morning very early, and first arrived at the house of King Touppa, and afterwards went into the other king's houses, except the house of King Stalame. He received of each of them all the amiable courtesies that might be; they showed themselves to be as affectionate friends unto him, as was possible, and offered unto him a thousand small presents.

"After that he remained by the space of certain days with these strange kings he determined to take his leave; and being come back to the house of Audusta, he commanded all his men to go aboard their Pinnesses; for he was minded to go toward the country of King Stalame, who dwelt toward the North a distance of fifteen leagues from Charles Fort. Therefore as they sailed up the river they entered into a great current, which they followed so far until they came at last to the house of Stalame; which brought him into his lodging, where he sought to make them the best cheer that he could devise. He presented immediately unto Captain Albert his bow and arrows, which is a sign and confirmation of alliance between them. He presented him with chamois skins. The captain seeing that the best part of the day was now past took his leave of King Stalame to return to Charles Fort, where he arrived the day following.

#### STRANGE INDIAN CEREMONIES WITNESSED

"By this time the friendship had grown so great between our men and King Audusta, that in a manner all things were common between him and them; in such sort that this good Indian King did nothing of importance, but he called our men thereunto. For when the time drew near for the celebrating their feasts of Toya, which are ceremonies most strange to recite, he sent ambassadors to our men to request them on his behalf to be present. Whereunto they agreed most willingly for the desire that they had to understand what this might be.

"They embarked themselves therefore and sailed towards the king's house, which was already come forth on the way towards them, to receive them courteously, to bid them welcome and to bring them to his house, which he sought to entreat them the best he might. In the meanwhile the Indians prepared themselves to celebrate the feast the morrow after, and the king brought them to see the place wherein the feast should be kept; where they saw many women round about, who labored by all means to make the place clean and neat. This place was a great circuit of ground with open prospect and round in figure.

"On the morrow therefore early in the morning, all that were chosen to celebrate the feast, being painted and trimmed with rich feathers of divers colors, put themselves on the way to go from the king's house toward the place of Toya; whereunto when they had come they set themselves in order, and followed three Indians, who in



painting and gesture, were different from the rest, each of them bare a tabret in their hand, dancing and singing in lamentable tune, when they began to enter into the midst of the round circuit, being followed by others who answered them again. After they had sung, danced and turned three times, they fell on running like unbridled horses through the midst of the thickest woods. And then the Indian women continued all the rest of the day in tears as sad and woeful as was possible; and in such rage they cut the arms of the young girls, which they lanced so cruelly with sharp shells of muskles that the blood followed which they flung into the eye, crying out three times, 'He Toya!'

"The King Audusta had gathered all our men into his house, while the feast was celebrated and was exceedingly offended when he saw them laugh. This he did, because the Indians are very angry when they are seen in their ceremonies. Notwithstanding one of our men made such shift that by subtle means he got out of the house of Audusta, and secretly went and hid himself behind a very thick bush, where at his pleasure, he might easily descry the ceremonies of the feast. The three that began the feast were named Iawas; and they are as it were three priests of the Indian law; to whom they give credit and believe partly because that by kindred they are ordained to be over their sacrifices, and partly also because they are such subtle magicians that anything that is lost is straightway recovered by their means. Again they are not only revered for these things, but also because they heal diseases, by, I wot not what kind of knowledge and skill they have. Those that ran so through the woods returned in two days after. After their return they began to dance with a cheerful courage in the midst of the fair place, and to cheer up their good old Indian fathers, who, either by reason of their too great age, or by reason of their natural indisposition and feebleness, were not called to the feast.

"When all these dances were ended, they fell to eating with such a greediness that they seemed rather to devour their meat than to eat it, for they had neither eaten nor drank the day of the feast, nor the two days following. Our men were not forgotten at this good cheer, for the Indians sent for them all thither, showing themselves very glad of their presence. While they remained a certain time with the Indians, a man of ours got a young boy for certain trifles, and inquired of him, what the Indians did in the woods during their absence; which boy made him understand by signs, that the Iawas had made invocation to Toya, and that by magical characters they had made him come that they might speak with him and demand divers strange things of him, which, for fear of the Iawas, he durst not utter. They have also many other ceremonies which I will not here rehearse for fear of molesting the reader with a matter of so small importance.

#### FRENCHMEN RETURN TO CHARLES FORT

"When the feast therefore was finished our men returned unto Charles Fort; where, having remained but a while, their victuals began to wax short, which forced them to have recourse unto their neighbors, and to pray them to succor them in their necessities; who gave them part of all the victuals which they had, and kept no more unto themselves than would serve to sow their fields. They told them farther that for this cause it was needful for them to retire themselves into the woods, to live of mast and roots until the time of harvest, being as sorry as might be that they were not able any further to aid them. They gave them also counsel to go toward the country of King Cou-

exis, a man of might and renown in this province, who made his abode toward the south, abounding at all seasons and replenished with such a quantity of mill, corn and beans that by his only succor that they might be able to live a very long time. But before they could come into his territory, they were to repair unto a king called Ouade, the brother of Couexis, who in mill, corn, and beans was no less wealthy, and withal is very liberal, and who would be very joyful if he might but once see them.

#### COLONISTS SEEK PROVISIONS AFAR

"Our men perceiving the good relation which the Indians made them of those two kings resolved to go thither; for they felt already the necessity which oppressed them. Therefore they made request unto King Maccou that it would please him to give them one of his subjects to guide the right way thither; whereupon he condescended very willingly, knowing that without his favor they should have much ado to bring their enterprise to pass. Wherefore after they had given orders for all things necessary for the voyage, they put themselves to sea, and sailed so far that in the end they came into the country of Ouade, which they found to be in the River Belle. Having arrived there they perceived a company of Indians, who, as soon as they knew of them being there, came before them. As soon as they came near them their guides showed them by signs that Ouade was in this Company, wherefore our men set forth to salute him. Then two of his sons, who were with him, being goodly and strong men, saluted them again in very good sort, and used very friendly entertainment on their part.

"The King immediately began to make an oration in his Indian language of the great pleasure and contentment that he had to see them in that place, protesting that he would become so loyal a friend of theirs hereafter that he would be their faithful defender against all of them that would offer to be their enemies. After these speeches he led them toward his house, where he sought to entreat them very courteously. His house was hung about with tapestry of feathers of divers colors the height of a pike. Moreover the place where the king took his rest was covered with white coverlets embroidered with devices of very witty and fine workmanship, and fringed round about with a fringe dyed in the color of scarlet. They advised the king, by one of the guides, who they brought with them, how that (having heard of his great liberality) they had put to sea to come to beseech him to succor them with victuals in their great want and necessity; and that in so doing, he should bind them all hereafter to remain his faithful friends and loyal defenders against all his enemies.

#### INDIANS' GENEROUS TREATMENT OF FRENCHMEN

"This good Indian was as soon ready to do them pleasure as they were to demand it, and he commanded his subjects that they should fill our pinnesse with mill and beans. Afterward he caused them to bring him six pieces of his tapestry made like little coverlets, and gave them to our men with so liberal a mind, as they easily perceived the desire which he had to become their friend. In recompense of all these gifts our men gave him two cutting hooks and certain other trifles, wherewith he held himself greatly satisfied. This being done our men took their leave of the king, which for their farewell said nothing else but that they should return if they wanted victuals, and that they

might assure themselves of him, that they should never want anything that was in his power.

"Wherefore they embarked themselves, and sailed toward Charles Fort, which, from this place, might be some five and twenty leagues distant. But as soon as our men thought themselves at their ease, and free from the dangers whereunto they had exposed themselves night and day gathering together victuals here and there, lo! even as they were asleep, the fire caught in their lodgings with such fury, being increased by the wind, that the room that was built for them before our men's departure, was consumed in an instant, without being able to save anything, save a little of their victuals.

"Whereupon our men being far from all succors, found themselves in such extremity, that without the aid of Almighty God, the only searcher of the hearts of men, who never forsaketh those that seek Him in their afflictions, they had been quite and clean out of all hope. For the next day, betimes in the morning, the King Audusta and King Maccou came thither, accompanied with a very good company of Indians, who knowing the misfortune were very sorry for it. And then they uttered unto their subjects the speedy diligence which they were to use in building another house, showing them that the Frenchmen were their loving friends, and that they had made it evident unto them by the gifts and presents which they had received; protesting that whosoever put not his helping hand unto the work with his might, should be esteemed as unprofitable, and as one that had no good part in him, which the savages fear above all things. This was the occasion that every man began to endeavor himself in such sort, that in less than twelve hours, they had begun and finished a house that was very near as great as the former. Which being ended they returned home fully contented with a few cutting hooks and hatchets, which they received of our men.

"Within a small while after this mischance, their victuals began to wax short, and after our men had taken good deliberation, thought and bethought themselves again, they found that there was no better way for them than to return again to the King Ouade and Couexis, his brother. Wherefore they resolved to send thither some of their company the next day following; which, with an Indian canoe, sailed up into the country about ten leagues. Afterward they found a very fair and great river of fresh water, which they failed not to search out; they found therein great numbers of crocodiles, which, in greatness, pass those of the river Nilus; moreover all along the banks thereof there grew mighty high cypresses. After they had stayed a small while in this place, they purposed to follow their journey, helping themselves so well with the tides, that without putting themselves in danger of the continual peril of the sea, they came into the country of Ouade; of whom they were most courteously received. They advised him of the occasion wherefore they came again to visit him, and told him of the mischance that happened unto them since their last voyage; how they had not only lost their household stuff by casualty of the fire, but also their victuals which he had given them so bountifully; that for this cause they were so bold as to come once again unto him to beseech him to vouchsafe to succor them in such need and necessity.

"After that the king had understood their case, he sent messengers unto his brother, Couexis, to request him upon his behalf to send him some of his mill and beans, which thing he did; and the next morning they were come again with victuals, which the king caused to be borne into their canoe. Our men would have taken their leave of him, find-

ing themselves more than satisfied with his liberality. But for that day he would not suffer them, but retained them, and sought to make them the best cheer he could devise. The next day very early in the morning, he took them with him to show them the place where his corn grew, and said unto them that they should not want as long as all that mill did last. Afterwards he gave them a certain number of exceeding fair pearls, and two stones of fine crystal, and certain silver ore. Our men forgot not to give him certain trifles in recompense of these presents, and required of him the place whence the silver ore and the crystal came. He made them answer, that it came ten days' journey from his habitation up within the country; and that the inhabitants of the country did dig the same at the foot of certain high mountains, where they found of it in very good quantity. Being joyful to understand so good news, and to have come to the knowledge of that which they most desired, they took their leave of the king, and returned by the same saw, by which they came.

#### UPRISING AGAINST CAPTAIN ALBERT

"Behold therefore how our men behaved themselves very well hitherto, although they had endured many great mishaps. But misfortune or rather the last judgment of God would have it, that those which could not be overcome by fire nor water, should be undone by their own selves. This is the common fashion of men, who cannot continue in one state, and had rather to overthrow themselves, than not to attempt some new things daily. We have infinite examples in the ancient histories, especially of the Romans, unto which this little handful of men, being far from their country and absent from their countrymen, have also added their present example.

"They entered therefore into partialities and dissensions, which began about a soldier named Guernache, who was a drummer of the French bands; who, as it was told to me, was very cruelly hung by his own captain, and for a small fault; which captain also using to threaten the rest of his soldiers who stayed behind under his obedience, and peradventure (as it is to be presumed) were not so obedient to him as they should have been, was the cause that they fell into a mutiny, because that many times he put his threatenings in execution; whereupon they so chased him, that at last they put him to death. And the principal occasion that moved them thereunto was because he degraded another soldier named La Chere (who he had banished) and because he had not performed his promise; for he had promised to send him victuals, from eight days to eight days, which thing he did not, but said on the contrary that he would be glad to hear of his death. He said, moreover, that he would chastise others also, and used too evil sounding speeches, that honesty forbids me to repeat them. The soldiers seeing his madness to increase from day to day, and fearing to fall into the dangers of the other, resolved to kill him. Having executed their purpose, they went to seek the banished, who was in a small island about three leagues distant from Charles Fort, where they found him half dead of hunger.

#### CHOOSE NICHOLAS BARRE GOVERNOR

"When they came home again they assembled themselves together to choose one to be Governor over them whose name was Nicholas Barre, a man worthy of commendation, and one who knew so well to quit himself of his charge, that all rancour and dissension ceased

among them, and they lived peaceably one with another. During this time, they began to build a small pinnesse, with hope to return to France, if no succors came to them, as they expected from day to day. And though there was no man among them that had any skill, notwithstanding necessity, which is the master of all science, taught them the way to build it. After that it was finished, they thought of nothing else saving how to furnish it with all things necessary to take their voyage. But they wanted those things that of all other were most needful, as cordage and sails, without which the enterprise could not come to effect. Having no means to recover these things, they were in worse case than at the first, and almost ready to fall into despair. But that Good God, who never forsaketh the afflicted, did succor them in their necessity.

#### INDIANS COME AGAIN TO THE RESCUE

"As they were in their perplexities, King Audusta and King Maccou came to them, accompanied with two hundred Indians at the least, whom our Frenchmen went forth to meet withal, and showed the king in what needs of cordage they stood; who promised them to return within two days, and to bring so much as would suffice to furnish the pinnesse with tackling. Our men being pleased with this good news and promises, bestowed upon them certain cutting hooks and and shirts. After their departure our men sought all means to recover rosin in the woods wherein they cut the pine tree round about, out of which they drew a sufficient and reasonable quantity to bray the vessel. Also they gathered a kind of moss that groweth on the tree of this country, to serve to caulk the same withal. There now wanted nothing but sails, which they made of their own shirts and of their sheets. Within a few days afterward the Indian Kings returned to Charles Fort with so good store of cordage, that there was found to be sufficient for tackling of the small pinnesse.

#### RECKLESSLY PUT TO SEA

"Our men, as glad as might be, used great liberality toward them, and at their leaving of the country, left them all the merchandise that remained, leaving them thereby so fully satisfied that they departed from them with all the contentment in the world. They went forth therefore to finish the Brigandine, and used such speedy diligence, that within a short time afterward they made it ready furnished with all things. In the mean season the wind came so fit for their purpose that it seemed to invite them to put to the sea; which they did without delay, after they had set all their things in order. But before they departed they embarked their artillery, their forge, and other munitions of war, which Captain Ribault had left them, and then as much mill as they could gather together. But being drunken with too excessive joy, which they had conceived for their returning into France, or rather deprived of all foresight and consideration, without regarding the inconstancy of the winds, which change in a moment, they put themselves to sea, and with so slender victuals, that the end of their enterprise became unlucky and unfortunate.

#### STARVATION AND DESPAIR

"For after they had sailed the third part of their way, they were surprised with calms which did so much hinder them, that in three

weeks they had not sailed more than five and twenty leagues. During this time their victuals consumed, and became so short, that every man was constrained to eat not past twelve grains of mill by the day, which may be in value as much as twelve peas. Yea, and this felicity lasted not long, for their victuals filled them altogether at once, and they had nothing for their more assured refuge but their shoes and leather jerkins which they did eat. Touching their beverage, some of them drank the sea water, others did drink their own urine; and they remained in such desperate necessity for a very long space, during which time part of them died of hunger. Beside this extreme famine, which did so grievously oppress them, they fell every minute of the hour out of all hope ever to see France again, insomuch that they were constrained to cast the water continually out, that on all sides entered into their bark. And every day they fared worse and worse; for after they had eaten up their shoes and leather jerkins, there arose so boisterous a wind and so contrary to their course, that in the turning of a hand, the waves filled their vessel half full of water and bruised it upon one side. Being now more out of hope than ever to escape out of this extreme peril, they cared not for the casting out of the water, which now was almost ready to drown them. And, as men resolved to die, every one fell down backward and gave themselves over to the will of the waves. When as one of them a little having taken heart unto him declared unto them how little way they had to sail, assured them that if the wind held, they should see land within three days. This man did so encourage them, that after they had thrown the water out of the pinnesse, they remained three days without eating or drinking, except it were of the sea water. When the time of this promise was expired, they were more troubled than they were before seeing they could not descry any land.

#### THE HUMAN SACRIFICE

"Wherefore in their extreme despair certain ones among them made this motion that it was better that one man should die, than that so many men should perish; they agreed therefore that one should die to sustain the others. Which thing was executed in the person of La Chere, of whom we have spoken heretofore; whose flesh was divided among his fellows; a thing so pitiful to recite, that my pen is loath to write it.

#### SUCCORED AT LAST

"After so long time and tedious travels, God of his goodness, using His accustomed favor, changed their sorrow into joy, and showed unto them the sight of land. Whereof they were so exceedingly glad, that the pleasure caused them to remain a long time as men without sense; whereby they let the Pinnesse float this and that way, without holding any right way or course. But a small English bark boarded the vessel. in which there was a Frenchman who had been in the first voyage unto Florida, who easily knew them, and spoke unto them, and afterwards gave them meat and drink. Incontinently they recovered their natural courage, and declared unto him at large all their navigation. The Englishmen consulted a long while what was best to be done and in fine they resolved to put on land those that were most feeble, and to carry the rest unto the Queen of England, which purposed at that time to send into Florida. Thus you see in brief that which happened to them which Captain John Ribault had left in Florida."

Laudonniere's quaint and graphic picture of this second disastrous attempt to plant a colony of oppressed French Protestants in the Western Hemisphere really enables one with any vision to see "that which happened to them which Capt. John Ribault had left in Florida."

#### LAUDONNIERE MAKES SECOND FLORIDA VOYAGE

When Ribault and Laudonniere arrived in France in July, 1562, the country was again rent by the civil war waged between the Catholics and the Huguenots. Then came a temporary truce, and Coligny sent Laudonniere to the succor of the colonists who might still remain at Port Royal, as he himself says in one of his journal letters: "After our arrival at Diepe, at our coming home, from our first voyage (which was the twentieth of July, 1562) we found the ciuill warres begun, which was in part the cause why our men were not succored, as Captaine John Ribault had promised them; whereof it followed that Captaine Albert was killed by his souldiers, and the countrey abandoned, as heretofore we haue sufficiently discoursed, and as it may more at large be understood by those men which were there in person. After the peace was made in France, my Lord Armirall de Chastillon shewed unto the King, that he had no newes at all of the men which Captaine John Ribault had left in Florida, and that it were pittie to suffer them to perish. In which respect the king was content he should cause 3 ships to be furnished, the one of sixe score tunnes, the other of 100, and the third of 60, to seeke them out, and to succor them.

"My Lord Admirall therefore being well informed of the faithfull service which I had done, as well vnto his Majestie as to his predecessors king of France, aduertised the king how able I was to doe him the service in this voyage, which was the cause that he made me chiefe Captaine ouer these 3 shippes, and charged me to depart with diligence to performe his commandment, which for mine owne part I would not gainsay, but rather thinking my selfe happy to haue bene chosen out among such an infinite number of others, which in my judgment were very well able to haue quitten themselves in this charge, I embarked my selfe at New Hauen the 22 of Aprill, 1564."

#### MASSACRE OF HUGUENOTS AT FORT CAROLINE

The next authentic source of information from which historians have drawn for their accounts of this second voyage to "Florida" under command of Laudonniere are his own journals, as stated, and the drawings and maps made by his cartographer, Le Moyne. The latter were preserved in various publications issued in England, France and Germany, which it is unnecessary here to specify. The most complete account which has been published, outside of Laudonniere's narrative, descriptive of this final failure of France to colonize in the South Atlantic Coast, is contained in Parkman's "Pioneers of France in the New World," and may be read with profit by any historical student, but as that story and tragedy relate specifically to the Florida of today, they must be condensed at this point. The founding of Fort Caroline at the mouth of the River May, where Captain Ribault had erected his pillar of stone as an evidence of French occupancy in the summer of 1564; the story of starvation and mutiny of the garrison there; the welcome relief brought by Sir John Hawkins, English navigator, buccaneer and slave merchant, and the later arrival of Ribault with provisions, implements, live stock and emigrant families, to displace Laudonniere in command are but preliminaries to the final fate of the

Huguenot colony at the hands of the Spaniards, the arch enemies of the Protestants of that day. It is probable that before Laudonniere and Le Moyne escaped from the massacre at Fort Caroline, they had received definite tidings of the fate of the Port Royal colony; otherwise it would be difficult to reconcile the fact that there is nothing in evidence to show that he or Ribault, who succeeded him in command, even attempted the succor of the probable survivors of the Port Royal colony, which was the prime and expressed object of coming again to American shores. One sentence only of his journal has a bearing upon this point, i. e.: "On the other side if wee passed further toward the North to seeke out Port Royall, it would be neither very profitable nor conuenient; at the least if wee should giue credit to the report of them which remained there a long time."

The fact that Ribault had been despatched by Coligny to supersede Laudonniere, and re-enforce the French colony at Fort Caroline soon reached Philip II of Spain. He was then at peace with Charles IX of France, but nevertheless did not propose to have Spanish Florida settled by a colony of French heretics. Don Pedro Menendez de Avilez was selected by His Catholic Majesty of Spain for what was proclaimed a crusade for the Church. It at once became a race as to which of the expeditions should first reach Fort Caroline, and Ribault won. A tempest wrought havoc with the Spanish vessels before they reached Porto Rico, and the French expedition arrived on the coast of Florida several days before the appearance of the sadly reduced and crippled fleet of Menendez. Six of his original twenty vessels reached the roadstead before Fort Caroline on the afternoon of September 4, 1565. As it was known that there was peace between France and Spain, the ships of Menendez, the Adelantado, had no difficulty in entering the harbor and anchoring at strategic points near the four ships which comprised the French fleet under Ribault.

#### THE SPANISH MURDERERS APPEAR

"The prey was in sight," says Parkman. "The Spaniards prepared for battle, and bore down upon the Lutherans; for, with them, all Protestants alike were branded with the name of the arch-heretic. Slowly, before the faint breeze, the ships glided on their way; but while, excited and impatient, the fierce crews watched the decreasing space, and when they were still three leagues from their prize, the air ceased to stir, the sails flapped against the mast, a black cloud with thunder rose above the coast, and the warm rain of the South descended on the breathless sea. It was dark before the winds moved again and the ships resumed their course. At half past eleven they reached the French. The San Pelayo slowly moved to windward of Ribault's flag-ship, the Trinity, and anchored very near her. The other ships took similar stations. While these preparations were making a work of two hours the men labored in silence, and the French thronging their gangways, looked on in equal silence. 'Never, since I came into the world,' writes the chaplain, 'did I know such a stillness.'

"It was broken, at length, by a trumpet from the deck of the San Pelayo. A French trumpet answered. Then Menendez, 'with much courtesy,' says his Spanish eulogist, inquired, 'Gentlemen, whence does this fleet come?'

"'From France,' was the reply.

"'What are you doing here?'" pursued the Adelantado.

"'Bringing soldiers and supplies for a fort which the King of



France has in this country, and for many others which he soon will have.' ”

“Are you Catholics or Lutherans? ”

“Many voices cried out together, ‘Lutherans, of the new religion.’ ” Then, in their turn, they demanded who Menendez was, and whence he came. He answered:

“I am Pedro Menendez, General of the Fleet of the King of Spain, Don Philip the Second, who have come to this country to hang and behead all Lutherans whom I shall find by land or sea, according to instructions from my King, so precise that I have power to pardon none; and these commands I shall fulfil, as you will see. At daybreak I shall board your ships, and if I find there any Catholic, he shall be well treated; but every heretic shall die.’ ”

“The French with one voice raised a cry of wrath and defiance.

“If you are a brave man, don’t wait till day. Come on now and see what you will get! ”

“And they assailed the Adelantado with a shower of scoffs and insults.

“Menendez broke into a rage, and gave the order to board. The men shipped the cables, and the sullen black hulk of the *San Pelayo* drifted down upon the Trinity. The French by no means made good their defiance. Indeed, they were incapable of resistance, Ribault with his soldiers being ashore at Fort Caroline. They cut their cables, left their anchors, and made sail, and fled. The Spaniards fired, the French replied. The other Spanish ships had imitated the movement of the *San Pelayo*; ‘but,’ writes the chaplain, Mendoza, ‘these devils run mad are such adroit sailors, and manoeuvred so well, that we did not catch one of them.’ Pursuers and pursued ran out to sea, firing useless volleys at each other.”

#### DETAILS OF THE MASSACRE

It is evident that both Ribault and Menendez were able commanders and leaders of initiative, as subsequent events proved. First Ribault, in spite of opposition from Laudonniere, who was bed-ridden of a fever, pursued Menendez with all his naval force, leaving his stores, provisions, women and children in Fort Caroline protected by a small garrison. When he arrived at Saint Augustine he found Menendez’ vessels seemingly in his power, but a sudden tropical tempest scattered and shattered the French ships and their hopes of victory. Then Menendez organized a picked force of 500 men who hacked their way through the forests, forded the swollen streams and toiled through the morasses of rank grass and black mud until they reached the deep forest of pines near Fort Caroline. They were to surprise and exterminate the weak garrison and colony before Ribault could gather his wrecked fleet and return to protect them. The Spanish expedition fully accomplished its foul purposes in a dank and dreary morning fitting the occasion. Some of Menendez’ men had rebelled, but he ordered them forward on pain of death. “They obeyed and presently, emerging from the forest, could dimly discern the ridge of a low hill, behind which the Frenchmen told them, was the Fort. Menendez, with a few officers and men, cautiously mounted to the top. Beneath lay Fort Caroline, three bowshots distant; but the rain, the imperfect light, and a cluster of intervening houses prevented his seeing clearly, and he sent two officers to reconnoitre. As they descended, they met a solitary Frenchman. They knocked him down with a sheathed sword, wounded him, took him prisoner, kept him for a time, then

stabbed him as they returned towards the top of the hill. Here, clutching their weapons, all of the gang stood, in fierce expectancy.

"'Santiago!'" cried Menendez. "'At them! God is with us! Victory!'"

"And shouting their hoarse war-cries, the Spaniards rushed down the slope like starved wolves.

"Not a sentry was on the rampart. La Vigne, the officer of the guard, had just gone to his quarters; but a trumpeter, who chanced to remain, saw, through sheets of rain, the swarm of assailants sweeping down the hill. He blew the alarm, and at the summons, a few half-naked soldiers ran wildly out of the barracks. It was too late. Through the breaches and over the ramparts the Spaniards came pouring in.

"'Santiago! Santiago!'"

"Sick men leaped from their beds. Women and children, blind with fright, darted shrieking from the houses. A fierce, gaunt visage, the thrust of a pike, or blow of a rusty halberd—such was the greeting that met all alike. Laudonniere snatched his sword and target, and ran towards the principal breach, calling to his soldiers. A rush of Spaniards met him; his men were cut down around him; and he, with a soldier named Bartholomew, was forced back into the courtyard of his house. Here stood a tent, and as the pursuers stumbled among the cords, he escaped behind Ottigny's house, sprang through the breach in the Western rampart, and fled to the woods

"Le Moyne had been one of the guard. Scarcely had he thrown himself into a hammock which was slung in his room, when a savage shout, and a wild uproar of shrieks, outcries, and the clash of weapons, brought him to his feet. He rushed by two Spaniards in the doorway, run behind the guard-house, leaped through an embrasure into the ditch, and escaped to the forest.

"Challeux, the carpenter, was going betimes to his work, a chisel in his hand. He was old, but pike and partisan brandished at his back gave wings to his flight. In the ecstasy of his terror, he leaped upward, clutched the top of the palisade, and threw himself over with the agility of a boy. He ran up the hill, no one pursuing, and, as he neared the edge of the forest, turned and looked back. From the high ground where he stood, he could see the butchery, the fury of the conquerors, the agonizing gestures of the victims. He turned again in horror, and plunged into the woods. As he tore his way through the briars and thickets, he met several fugitives, escaped like himself. Others presently came up, haggard and wild, like men broke loose from the jaws of death. They gathered together and consulted. One of them in great repute for his knowledge of the Bible, was for returning and surrendering to the Spaniards. 'They are men,' he said, 'perhaps, when their fury is over, they will spare our lives; and, even if they kill us, it will only be a few moments' pain. Better so than to starve here in the woods, or be torn to pieces by wild beasts.'

"The greater part of the naked and despairing company assented, but Challeux was of a different mind. The old Huguenot quoted scripture, and called the names of prophets, and apostles to witness, that, in the direst extremity, God would not abandon those who rested their faith in Him. Six of the fugitives, however, still held to their desperate purpose. Issuing from the woods, they descended towards the fort, and as with beating hearts their comrades watched the result, a troop of Spaniards rushed forth, hewed them down with swords and halberds, and dragged their bodies to the brink of the river, where the victims of the massacre were already flung in heaps.

"Le Moyne, with a soldier named Grandchemin, whom he had met in his flight, toiled all day through the woods, in the hope of reaching the small vessels anchored behind the bar. Night found them in a morass. No vessel could be seen, and the soldier in despair, broke into angry upbraidings against his companion, saying that he would go back and give himself up. Le Moyne at first opposed him, then yielded. But when they drew near the fort, and heard the uproar of savage revelry that arose from within, the artists' heart failed him. He embraced his companion, and the soldier advanced alone. A party of Spaniards came out to meet him. He kneeled, and begged for his life. He was answered by a death-blow; and the horrified Le Moyne, from his hiding place in the thicket, saw his limbs hacked apart, stuck on spikes, and borne off in triumph.

"Meanwhile, Menendez, mustering his followers, had offered thanks to God for their victory; and this pious butcher wept with emotion, as he recounted the favors which Heaven had showered upon their enterprise. His admiring historian gives it in proof of his humanity, that, after the rage of the assault was spent, he ordered that women, infants, and boys under fifteen should thenceforth be spared. Of these, by his own account, there were about fifty. Writing in October to the King, he says, that they cause him great anxiety, since he fears the anger of God, should he now put them to death, while, on the other hand he is in dread lest the venom of their heresy should infect his men.

"A hundred and forty-two persons were slain in and around the fort, and their bodies lay heaped together on the bank of the river. Nearly opposite was anchored a small vessel, called the Pearl, commanded by Jacques Ribault, son of the Admiral. The ferocious soldiery, maddened with victory and drunk with blood, crowded to the water's edge, shouting insults to those on board, mangling the corpses, tearing out their eyes, and throwing them towards the vessel from the points of their daggers. Thus did the Most Catholic Philip champion the cause of Heaven in the New World."

Laudonniere, Le Moyne, Jacques Ribault, the son of the commander, and a number of others who escaped the massacre, reached France and Wales in some English craft which had previously been purchased and anchored at the mouth of St. John's River. Not so fortunate were Jean Ribault, and his shipwrecked comrades. All his vessels had been broken by the tempest and most of the wreckage and survivors cast upon the shore near Cape Canaveral, and among the sands of Anastasia Island. The Indians brought news of the whereabouts of the shipwrecked and famishing Frenchmen endeavoring to find their way back to Fort Caroline. After the Spaniards had massacred one party, their leader discovered the company commanded by Ribault himself.

#### DEATH OF JEAN RIBAUT

This is the well authenticated account of the death of the brave French captain:

"An Indian canoe lay under the bank on the Spanish side. A French sailor swam to it, paddled back unmolested, and presently returned, bringing with him La Caille, Ribault's Sergeant-major. He told Menendez that the French were three hundred and fifty in all, and were on their way to Fort Caroline; and like the officers of the former party, he begged for boats to aid them in crossing the river.

"My brother," said Menendez, "go and tell your general, that, if

he wishes to speak with me, he may come with four or six companions, and that I pledge my word he shall go back safe.'

"La Caille returned; and Ribault, with eight gentlemen, soon came over in the canoe. Menendez met them courteously, caused wine and preserved fruits to be placed before them; he had come well provisioned on his errand of blood, and next led Ribault to the reeking Golgotha, where, in heaps upon the sand, lay the corpses of his slaughtered followers. Ribault was prepared for the spectacle; La Caille had already seen it; but he would not believe that Fort Caroline was taken till a part of the plunder was shown him. Then, mastering his despair, he turned to the conqueror.

"'What has befallen us,' he said, 'may one day befall you.' And, urging that the kings of France and Spain were brothers and close friends, he begged in the name of that friendship, that the Spaniard would aid him in conveying his followers home. Menendez gave him the same equivocal answer that he had given the former party, and Ribault returned to consult with his officers. After three hours of absence, he came back in the canoe, and told the Adelantado that some of his people were ready to surrender at discretion, but that many refused.

"'They can do as they please,' was the reply.

"In behalf of those who surrendered Ribault offered a ransom of a hundred thousand ducats.

"'It would much grieve me,' said Menendez, 'not to accept it; for I have great need of it.'

"Ribault was much encouraged. Menendez could scarcely forego such a prize, and he thought, says the Spanish narrator, that the lives of his followers would now be safe. He asked to be allowed the night for deliberation, and at sunset recrossed the river. In the morning he reappeared among the Spaniards, and reported that two hundred of his men had retreated from the spot, but that the remaining one hundred and fifty would surrender. At the same time he gave into the hands of Menendez the royal standard and other flags, with his sword, dagger, helmet, buckler and the official seal given him by Coligny. Menendez directed an officer to enter the boat and bring over the French by tens. He next led Ribault among the bushes behind the neighboring sandhill, and ordered his hands to be bound fast. Then the scales fell from the prisoner's eyes. Face to face his fate rose up before him. He saw his followers and himself entrapped—the dupe of words artfully framed to lure them to their ruin. The day wore on; and, as band after band of prisoners was brought over, they were led behind the sandhill out of sight from the farther shore, and bound like their general. At length the transit was finished. With bloodshot eyes, and weapons bared, the fierce Spaniards closed around their victims.

"'Are you Catholics or Lutherans? and is there any one among you who will go to confession?'

"Ribault answered—

"'I and all here are of the Reformed Faith.'

"And he recited the Psalm, 'Domine, memento Mei.'

"'We are of earth,' he continued, 'and to earth we must return; twenty years more or less can matter little.' And turning to the Adelantado, he bade him do his will.

"The stony-hearted bigot gave the signal; and those who will, may paint to themselves the horrors of the scene.

"A few, however, were spared. 'I saved,' writes Menendez, 'the lives of two young gentlemen of about eighteen years of age, as well

"They were hanged where the French had hung before them; and over them was nailed the inscription, burned with a hot iron on a tablet of pine—'Not as to Spaniards, but as to Traitors, Robbers, and Murderers.'

"Gourgues's mission was fulfilled. To occupy the country had never been his intention; nor was it possible, for the Spaniards were still in force at Saint Augustine. His was a whirlwind visitation,—to ravage, ruin and vanish. He harangued the Indians, and exhorted them to demolish the fort. They fell to the work with keen alacrity, and in less than a day not one stone was left on another.

"Gourgues returned to the forts at the mouth of the river, destroyed them also, and took up his march for his ships. It was a triumphal procession. The Indians thronged around the victors with gifts of fish and game; and an old woman declared that she was now ready to die, since she had seen the French once more.

"The ships were ready for sea. Gourgues bade his disconsolate allies farewell, and nothing would content them but a promise to return soon. Before embarking, he addressed his own men:

"'My friends, let us give thanks to God for the success He has granted us. It is He who saved us from tempests; it is He who inclined the hearts of the Indians towards us; it is He who blinded the understanding of the Spaniards. They were four to one in forts well armed and provisioned. Our right was our only strength; and yet we have conquered. Not to our own swords, but to God only, we owe our victory. Then let us thank Him, my friends; let us never forget His favors; and let us pray that He may continue them, saving us from dangers, and guiding us safely home. Let us pray, too, that He may so dispose the hearts of men that our perils and toils may find favor in the eyes of our King and of all France, since all we have done was done for the King's service and for the honor of our country.'"

Gourgues sailed from the shores of Florida for Rochelle on the 3rd of May, 1568, and his subsequent career does him and his country honor.

## CHAPTER II

### ENGLAND PREPARES TO COLONIZE

France had failed utterly and Spain had had only partial success in maintaining colonies on the lower South Atlantic coast, and the soil of South Carolina was untouched save by the native Indian, and, at long intervals, by some adventurous Spanish traveler. The English, more practical and circumscribed in their ambition than either the French or Spaniards, were as a rule, wedded to their families and their homes and champions of domesticity. Along with many adventurers, pure and simple, indented servants and criminals, came some thrifty farmers and artisans, merchants, and, very rarely, some younger son of a lord who would seek fame and fortune across the seas—all of them keen after the English pound and all that implies, born colonizers and founders of soberly ordered cities and states.

Raleigh's first Roanoke (Virginia) colonies never fairly took root. The Jamestown colony of the London Company, 1606, under Bartholomew Gosnold had a bitter struggle for existence but, thanks to the redoubtable Capt. John Smith, survived "the starving time," and by 1619 may be said to have been firmly established; and from that time on England dominated the South Atlantic coast to the disputed No Man's Land of Florida. The French had designated the lands to the south, Florida, although they called the fort built by Laudonniere at the mouth of the St. John's River, *Arx Carolina*, in honor of Charles IX of France. After Jamestown and Virginia were accomplished facts, the English called the region along the South Atlantic coast, South Virginia.

### CAROLANA AND CAROLINA

The fixing of the name Carolana upon the coast and interior regions between the 31st and 36th degrees of north latitude dates from the charter granted by Charles I of England to Sir Robert Heath, his attorney general, on October 30, 1629, to christianize and colonize that grand domain for the crown, and the glory of the realm. Afterward Carolina came to be applied to the coastal domain, and Carolana to the interior as far as the Mississippi. Many French Protestants, or Huguenot refugees, were then being harbored in England, and it was the wish of Charles I to grant them asylum and relief as desirable colonists of Virginia or Carolina. His royal predecessor, James I, had already (1621) been requested by certain French and Walloon refugees, to allow them to emigrate to Virginia; the Virginia Company had received such application with favor, and there are certain documentary indications that the colony came over.

### FAILURE TO COLONIZE UNDER 1629 HEATH GRANT

The only serious attempt at colonization which was made under the Heath grant of 1629 was a complete failure, but it is still of inter-

est as illustrative of the singular pertinacity with which the Huguenot element seems to have figured in the period leading to the founding of settled communities on the Carolina coast. The story is so well told by W. Noel Sainsbury, officially identified with the Public Record Office, London, that it is here reproduced:

"Many noble families now resident in America are proud of claiming descent from the French Protestants who went over there nearly 250 years ago. A knowledge of the history of their heroic deeds and sacrifices in defense of their lives and religion will leave us in no doubt of the reasons. Their first settlement in America took place in connection with an intended plantation of Carolina more than forty years before any actual settlement took place. It was mainly through the exertions of one of the principal followers of Soubise, Duke de Fontenay, a great leader of the Protestant Reformed religion in France, soon after Charles I ascended the English throne, that numbers of these families ultimately adopted America as their country.

"Antoine de Ridouet, Baron de Sancé, was the name of this promoter of American colonization, and he acted in the capacity of secretary to Soubise during his sojourn in this country.

"Soubise was in truth an exile. He had espoused with all the vigour of his character the cause of his fellow Protestant countrymen in France. His perseverance in endeavoring to obtain an acknowledgment of their rights had drawn upon him the wrath of his sovereign. The King of France had accused him of acts of rebellion, and, fearing the worst consequences, Soubise had collected at Rochelle a fleet and about 1,500 men eager to espouse his cause and to fight in defense of it. The Dutch lent a willing ear to the solicitations of Soubise for aid, and gave him all the assistance they could. Ships, men and war material were speedily furnished, and Soubise, flushed with success, was eager to give a practical proof of his sincerity and his courage.

"A battle was the consequence, and the defeat of the French king's fleet the result. But the brilliant hopes of Soubise were unhappily of short duration. Louis XIII, worsted by a portion of his own subjects, determined to put forth his strength, so Rochelle was proclaimed in a state of siege, and the besiegers were soon reduced to the last extremities. In his despair Soubise applied to England; he begged King Charles to come to his assistance; he urged that himself and his followers had fought in defence of their common faith; that the very existence of the Protestant religion in France, and with it the lives of his followers, depended upon the issue of the struggle; and he entreated the Protestant King to assist a Protestant people. He succeeded in enlisting the sympathy of the English court, if not entirely that of the English people, who were at this time so much occupied with their own grievances.

"The Duke of Buckingham, then Lord High Admiral of England, was favorable to the cause, and through his power and influence, Soubise was promised assistance. After some delay, a few English ships were made ready and under the immediate command of Buckingham sailed to the relief of Rochelle. The result, however, was disastrous in the extreme, and fatal to the ambitious hopes of the great French Protestant leader. He was in turn worsted by the French king's fleet. The English ships, indifferently manned and badly commanded, were of little or no avail, and Soubise, disappointed of his last chance of success, had no alternative but to take refuge in England with the remnant of his followers. Most of these, maintained for a time by the English Government, were soon reduced to the greatest distress.

Many, it is supposed, went over to the Spaniards, others to the West Indies, and some sailed for America. Of these last we wish to speak.

"De Sancé, who was a devoted follower of Soubise, and accompanied him in his flight to England, had previously been very active in protecting the interests of his Protestant countrymen fugitives. To many petitions from these distressed men to the Privy Council, De Sancé, had written certificates that the petitioners were of the Reformed religion.

"Fortunately, at this juncture the Duke of Buckingham stood his friend. At Buckingham's recommendation King Charles granted De Sancé a pension of 100 pounds a year, his estate in France having been confiscated. But this was hardly sufficient for a man who thought not of his own wants alone. True to the principles for which so much had been sacrificed, he used all the influence he possessed for the permanent well-being of his fellow sufferers. So he petitioned the King for an increase of his pension to 200 pounds a year; his former patron, the Duke of Buckingham, had by this time fallen by the knife of an assassin. He likewise prayed for letters of denization, as himself and family had resolved to live in England."

"In his letter to Lord Dorchester, secretary of state, De Sancé prays, among other things, for appointment as gentleman of bed chamber to the King, and expresses the hope that the French Protestants going to Virginia shall there plant grape vines and olive trees and raise silk worms and make silk.

"His chief object in writing this letter was that he might be enabled to carry out the idea he had formed of inducing the French Protestant refugees to seek a permanent home on the continent of America. There he felt sure his unhappy Protestant countrymen would be free to follow their own religion in safety and in peace; there they would be able to embark in pursuits congenial to their tastes, and forget in healthful occupations the deadly struggle for religious freedom in which they had been so long engaged, and there also they would find a permanent and a happy home for themselves, their wives and their families. His active mind was ever at work to secure the success of his scheme. Every detail connected with the intended colony was a subject to him of anxious thought, and a calculation of the greatest care. At first he seems to have wished to colonize a considerable tract of land in America, as the extent of territory he demanded was capable of settling more than 20,000 men. In a subsequent paper, however, his plans were evidently more matured; he there proposes that not more than 100 or 150 settlers should be sent over in the first year, and that laborers, artisans and skilful seamen only should go during the next two or three years.

"His proposals met with favor. Articles were agreed upon between the King's Attorney-General and himself, and instructions were drawn out for settling a plantation in Carolina and for the voyage. All the details were at length completed. Every Frenchman wishing to go was to furnish a certificate from his pastor that he was of the Reformed religion; this was essential and of the utmost importance in the eyes of De Sancé. He also drew out rules for their particular guidance, the exact number that were in the first instance to sail, a minister being at their head, and the duties each would have to perform. Even the provisions they were to carry with them were minutely written down; these were to include the apparel, arms, tools, and household implements necessary for one person or for a family; all such charges for fifty men estimated at £1,000. By some means, however, probably consequent on the internal commotions then unhappily



prevailing in England, the final action in this contemplated settlement was delayed, and it was not until April 20, 1630, that 'Instructions by way of indenture betwixt His Majesty and Sir Robert Heath, Knt, Chief Justice of our Court of Common Pleas, to be observed in the Plantation of Carolina' were signed, one article of which was 'That none shall be willingly admitted or entertained into this plantation which shall not be of the Protestant religion.' As all were Frenchmen, and as they could not but remember the persecution and miseries which they had undergone, they no doubt stipulated before quitting England that Roman Catholics should form no portion of their number, or they very naturally thought they would scarcely be allowed to enjoy that tranquillity in the exercise of their religion which had been so distinctly promised to them. A governor was appointed for the newly intended colony, and everything was in readiness for the voyage, when, at the last stage of this historical drama, 'the plantation was hindered, and the voyage frustrated.' How this came about we gather from the contents of a petition presented to the Privy Council in 1634, more than four years after these events took place."

From this it appears that these unfortunate French Protestants, fated as it seemed to endure sacrifices and disappointments, were landed in Virginia, where they remained in distress until the following May with no transport to take them to Carolina. The name of the vessel which took them over was the "Mayflower." Was it the same ship that carried the Puritans to Plymouth in 1620?\*

"The ill success of this expedition was not, however, allowed to pass unnoticed in England. The contractors for the voyage were committed to the custody of a messenger until they were able to answer for the complaints against them. The Judge of the Admiralty made two formal reports on the subject; and the contractors, Samuel Vassall and Peter Andrews, were ordered to pay upwards of £600 for the losses sustained by the non-fulfilment of their contract."

#### EARL OF MARLBOROUGH PROPRIETOR OF THE BARBADOES

In the meantime light had commenced to shine along the South Atlantic coasts of North America from the South. It was the June preceding the grant made to Sir Robert Heath in 1629 that James I passed over to the Earl of Marlborough the Island of Barbadoes as its lord proprietor. This was the first of the proprietary grants made in the Western Hemisphere. The settlements in Virginia and New England had been established under royal charters. The Barbadoes had been "touched" by the British ship *Olive Blossom* as early as 1605, and colonization had commenced twenty years later under royal patent. In 1628 a native of the Bahamas, which had already been colonized by England, was appointed governor of the Barbadoes, and in that year the settlement commenced at Carlisle Bay which developed into Bridgetown, the colonial capital of the British West Indies. But it was the proprietary grant of June, 1629, which particularly concerns this history, as it had a direct bearing on the future of South Carolina.

Aside from two unimportant explorations into limited sections of Carolina nothing was done to carry out the intent of the Heath patent. In 1650 Edward Bland, an English merchant who planned to make

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\* Without discussing the question raised by Mr. Sainsbury and other historians of this period, it may be said that this strain of rich French Protestant blood was an important element in the peopling of Virginia, as the names of some of the colonists attest.

some money by exploiting the southern country, exploring it and trading with the Indians, and, if circumstances favored him, planting some colonies in that region, sailed for the "Happy Country of New Brittain," which he had already well advertised. The captain of his expedition was Abraham Woode, and his explorations covered a section of country "from Fort Henry, Virginia, at the head of the Ap-pamattuck River to the foot of Blandina, the first river in New Brittain." As the latter is placed in the account of his travels, which he published the following year, "between 35 and 37 degrees," it is difficult to even approximate how far, if at all, he penetrated into Carolina. Four years afterward Francis Yeardley, son of a Virginia governor, also made a trip of exploration to Carolina, but his account is even more unsatisfactory than Bland's. At all events, although both voyagers were enthusiastic advertisers of the wonders and possibilities of the country to the south of Virginia, nothing came of their travels or their exploitations.

#### OLD HEATH PROVINCE OF CAROLINA RE-GRANTED

This lethargy in exploration and colonization on the part of the English continued while the commonwealth and royalty were grappling for mastery, and it was not until the Restoration that New World enterprises could be considered by the mother country. During that period the Barbadoes planters, many of whom had fled from England because of their loyalty to the king, had been almost ruined by the legislation of the Cromwellian Parliament, and were looking northward toward Carolina, that they might recoup their fortunes with cotton instead of sugar plantations. Jamaica had been taken from Spain, and in 1661, after Charles II had been restored to the throne, it was placed under a royal governor. On March 24, 1663, the king rewarded eight of his faithful followers and supporters in England, by granting them the old Heath province of Carolina. They were the Earl of Clarendon, the Duke of Albemarle, Lord Craven, Lord John Berkeley, Lord Ashley, Sir John Carteret, Sir William Berkeley and Sir John Colleton.

#### PERSONNEL OF THE EIGHT PROPRIETORS

As stated by Dr. William J. Rivers in his "Early History of South Carolina":

"The Earl of Clarendon had been the companion and active assistant of King Charles in his exile, and after Cromwell's death had materially contributed to the re-establishment of the monarchy. His daughter was subsequently married to the Duke of York, who became James II, and their children, Mary and Anne, were queens of England.

"But no single person deserves more the title of Restorer of the King than General George Monk, whose history is well known and who, for his important services, was created Duke of Albemarle.

"Sir George Carteret was, for a time, governor of the Isle of Jersey, where he maintained the royal cause against Cromwell and the Parliament, and gave refuge to King Charles, the Duke of York, the Earl of Clarendon, and many of the nobility, during their flight from England. When the Duke of York received from the King, after his restoration, a large grant of land in North America, Lord Berkeley and Sir George Carteret obtained a conveyance of a part of it; and in compliment to the latter, the present state of New Jersey derived its name.



*James Earl of Essex, a Gentleman of the Bedchamber to the King  
and Chamberlain of the Household of King James the First*

"Sir Anthony Ashley Cooper (after whom the Cooper and Ashley rivers have been named) had been particularly recommended to Charles II by General Monk, as a person well fitted to be one of his council. Although he was regarded as a politician who had espoused the cause of monarchy, then of the Parliament, and then again of monarchy as it suited his ambition, yet he long retained the favor and confidence of the king, and was made Earl of Shaftesbury. He was the constant friend and patron of the learned philosopher Locke, to whose wisdom was subsequently committed the framing of the fundamental laws for the government of Carolina. To this nobleman, also, who was the most influential in the early policy of Carolina, England is especially indebted for the Habeas Corpus Act, and the equally important measure of rendering the judges independent of the Crown.

"Sir John Colleton had been an active partisan of royalty, and impoverished himself by his uncalculating zeal in its cause. After the success of the Parliamentary forces he retired to Barbadoes till the restoration of the King, when he returned to England and received the dignity of baronet.

"Lord John Berkeley had been a faithful follower of Charles in his exile.

"The Earl of Craven was early distinguished for his foreign military services. He was one of Charles's Privy Council and held a military command about his person.

"Sir William Berkeley, brother of Lord Berkeley, was for many years the able and loyal governor of Virginia. He espoused the cause of Charles I against the Parliament, and refused to hold office under Cromwell, which led the colony boldly to adhere to Charles II as their sovereign, while he was an exile from England and at a time when the power of Parliament was supreme. In remembrance of this, the King is said to have worn at his coronation a robe of Virginia silk."

This proprietary grant was based upon the Heath instrument of 1629 by which the Province of Carolina was to constitute a County Palatine, or Viceregency, the government of which was in England amenable only to the king. At the time it was granted the County of Durham was the only palatine remaining in the mother country. But the New World palatine county carried in its royal constitution certain provisos not found in the English government.

"Whereas," declared His Majesty in October, 1629, "our beloved and faithful subject and servant Sir Robert Heath, Knight, our attorney generall, kindled with a certain laudable and pious desire as well as of enlarging the Christian religion as our Empire & encreasing the Trade & Commerce of this our Kingdom," etc., "we have therefore granted to Sir Robert the territory described; And furthermore the patronages and advowsons of all churches which shall happen to be built hereafter in the said Region, Territory & Isles and limitts by the increase of the religion and worship of Christ. Together with all & singular these & these so ample Rights Jurisdictions privileges prerogatives Royalties libertyes immunityes with Royal rights and franchises whatsoever as well by sea as by land within that Region Territory Isles & limitts aforesaid To have exercise use & enjoy in like manner as any Bishop of Durham within the Bpriche, or County Palatine of Durham in our Kingdome of England ever heretofore had held used or enjoyed or of right ought or could have hold use or enjoy. And by these presents we make create & constitute the same Sr. Robert Heath his heires & assignes true and absolute Lords & Proprietors of the Region and Territory aforesaid & all other the prem-



*Auth. Ashley Cooper*  
Earl of SHAFTESBURY.

ises for us our heires & successors saveing alwaies the faith & Allegiance due to our heires & successors," etc.

#### CIVIL GOVERNMENT OF THE PROVINCE

Sir Robert Heath was empowered by that instrument "to forme, make, & enact, & publish what lawes souer may concerne the publicke state of the said province or the private profit of all according to the wholesome directions of & with the counsell assent & approbation of the Freeholders of the same Province or the Major part of them who when & as often as need shall require shall by the aforesaid Sr. Robert Heath his heires & Assignes & in that forme which to him or them shall seem best, be called together to make lawes & those to be for all men within the said Province," etc. . . . .

"And because in the government of soe great a Province sudden chances may times happen to which it will be necessary to apply a remedy before that the Freeholders of the sayd province can be called together to make lawes, neither will it be convenient upon a continued title in an emergent occasion to gather together soe great a people. Therefore" Sir Robert and his heirs and assigns, it was declared, "shall and may have power from time to time to make & constitute wholesome and convenient Ordinances within the Province aforesaid . . . . which Ordinances we will that they be inviolably observed within the sayd Province under the paines expressed in them, soe as the sayd Ordinances be consonant to Reason & not repugnant nor contrary but (as conveniently may be done) consonant to the laws, statutes & rights of our Realme of England as is aforesaid, soe alsoe that the said Ordinances extend not themselves against the right or interest of any person or persons or to distrayne, bind or burden in or upon his freehold goods or chattels or to be received anywhere than in the same Province or the Isles aforesayd."

Another proviso followed: "Furthermore least the way to Honours & Dignities may seem to be shutt & altogether barr'd up to men honestly borne & are willing to undertake this present expedition & are desirous in soe remote and far distant a Region to deserve well of us & of our Kingdomes in peace & warre for that doe four ourselves our heires & successors give full & free power to the forsayd Sr. Robert Heath, Knight, his heirs & assignes to confere favours, graces & honours upon those well deserving citizens that inhabit within the forsayd province & the same with whatever titles & dignities (provided they be not the same as are now used in England) to adorne at his pleasure."

Consequently, both the people and the Proprietors always had authority for their several contentions and the grant to the eight proprietors virtually followed the lines of the Heath instrument of 1629. The Church of England was established over the new palatine of Carolina, although the king stated that the design of the grantor was to propagate the Christian religion and enlarge the English empire. For these prime purposes they were given "all that territory or tract of ground called Carolina, scituate, lying and being within our dominions of America, extending from the north end of the island called Lucke Island, which lieth in the Southern Virginia seas, and within six and thirty degrees of the north latitude and to the west as far as the South Seas and so southerly as far as the River Matthias which bordereth upon the coast of Florida, and within thirty-one degrees northern latitude and so west in a direct line as far as the South Seas aforesaid."



## THE GREAT SEAL ADOPTED

One of the first acts of the Proprietors was to adopt a Great Seal, the stamp of which made valid any paper issued by them as an executive or legislative body. The seal, with all the original documents upon which is grounded the history of these times, is among the invaluable archives of the Public Record Office, London, and has been reproduced for American publication from a wax impression obtained through W. Noel Sainsbury, long connected with that department of the British government. On its face is the inscription "Magnum Sigillum Carolinæ Dominorum" and the motto "Domitus cultoribus orbis." On the reverse are the coats of arms of the eight Lords Proprietors, named as given in the illustration.

By keeping in mind the personnel of the Proprietors, it is evident that Sir John Colleton, who had stood the stress of the legislation aimed to injure the royal and loyal sugar planters of the Barbadoes, should be anxious to have an active hand in the colonization of Carolina. It was also "good politics" on his part to first present any serious difficulty which might stand in the way of such realization to the Duke of Albemarle, to whom more than to any other one person the king owed his restoration to the throne, and who, moreover, then held the office of lord high chancellor.

## DUKE OF NORFOLK CLAIMS CAROLINA

Soon after the first meeting of the Proprietors in London, Sir John Colleton therefore wrote to the Duke touching certain claims made to Carolina by the Duke of Norfolk, to whom had descended, as alleged, the old Heath claims. The letter, under date of June, 1663, is as follows:

"May it please your Grace: There are divers people that desire to settle and plant in his Maj: Province of Carolina under the patent granted to Your Grace and others but that there is another like to that Province started by one Mr. Mariot, steward to the Duke of Norfolk, grounded on a patent granted in the yeare 1629, now above thirty foure years to Sir Robert Heath, and by him assigned to the Ancestors of the now Duke of Norfolk wch patent relates to certaine Articles to bee performed on the part of Sir Robert Heath, the patent is recorded, but the Articles appeere not in the records but the said Mr. Mariot (who lives in Chancery Lane at the next door to the Harrowe) pretends he has the patent and articles which being in force and not declined or made voide will certainly hinder that publique worke which is intended by the settlement and planting of Carolina, for the persons that at present designe thither expect liberty of conscience and without that will not goe, wch by the patent to Sr. Robert Heath cannot bee granted them and they cannot settle under the patent least the other gentlemen shall give them trouble or disturbance. So that there is a necessity of the present removall of that obstacle which is humblie left to the consideracon of yor Grace and the other noble persons concern'd.

"Yor Grace's most humble servant.

Cockpitt, 10 June, 1663.

JNO. COLLETON."

"STATE OF THE CASE OF THE DUKE OF NORFOLK'S PRETENSIONS TO CAROLINA (inclosed in above letter): The 13<sup>th</sup> of 8ber in ye 5<sup>th</sup> year of King Charles the First was granted to Sir Robert Heath the reagon or province of Carrolina leying within the latitude of 31 to 36 inclusive



upon the condition yt ye said Sr Robert Heath or his assignes plant ye sd Province according to such Articles or Instructions as his then Majesty had given him under his sign Manuell & privie Signett signed by his Secretary of State bearing date with the grant aforesd.

"Mr. Samuell Vassell had as he pretends an Assignemt from Sr Robt. Heath for a tearme not yet expyred for ye lattitude of 31 & 33 and ye heires of Sr Richard Greenfeild for ye remayneing part being 34. 35 & 36 who say they never heard of any pretence by Mr. Howard or any of his Ancestors untill within these three monthes, neither hath Mr. Howard shewn any pattent or grant for ye same but pretends by discourse abroad yt ye pattent to Sr Robert Heath was taken in trust by sd Heath for some of his Ancestors. Mr. Howard shews no right nor the Articles or Instructions by wch he was to plant although often sent for by Mr. Atturney Genll to Mr. Merriott Mr. Howards Sollisiter.

"Neither hath Sr Robt. Heath, Mr. Howard or any of his Ancestors Mr. Rich Greenfeild or Mr. Vassell or any of their Assignes planted any part of this Province, there being about 35 years past since ye grant.

"Severall persons have a desire to plant in ye sd Province under the pattent granted by his now Maj. to my Lord High Chancellor, ye Duke of Albemarle & others but refusing to plant under the pattent to Sir Robt. Heath & forbare to plant under the latter untill ye first be made voyde least when they have planted they shall receive trouble by ye first pattent by meanes whereof the settlemt of that hopeful collony will be lost. It is therefore to be humbly desired yt his Maj. will be graciously pleased by an Act of Councell to resume ye pattent to Sr Robt. Heath & all Grants from it because they have not planted nor doe not shew ye Artickles or Instructions mencioned in sd pattent whereby ye settlemt may goe forward whylst many people have stronge desires to it wch wil otherwayse dye and hardly be revyved againe."

#### BARBADOES ADVENTURERS ASK TO COME

On the same day that the Heath complications were settled by the royal revocation of the charter, Colonel Thomas Modyford, who had been governor both of Jamaica and the Barbadoes, and Peter Colleton, eldest son of Sir John, sent a letter to the Proprietors of Carolina, asking the privilege of planting a colony upon some tract or tracts not exceeding 1,000 square miles, the location of which should be determined by exploration. It appears that certain New Englanders had explored the Carolina coast and visited Charles River in the Cape Fear region, but had not been well impressed with the country, and did not even attempt a settlement.

Capt. William Hilton, one of the most skilled mariners in the employ of the Barbadoes planters and adventurers, had explored that part of the coast even before the New Englanders adventured thither, and a map was published of his discoveries in 1662. Although the results of his voyage were brighter than those reported by the New England adventurers, it was thought best "on account of the evil report bruited thereof" to send Captain Hilton on a second voyage to other parts. The proposals of the Barbadoes adventurers to the proprietors were in the following words:

"Proposalls of Severall Gentlemen of Barbadoes—August this 12th 1663. Severall gentlemen and persons of good quality in this Island being very sensible of the great loss and sad disappointmt that might

redownd to the English nation in Generall as well as to many particular persons yt ingaiged and intended to ingaige in the settlement of an English plantation in that goodly land of Florida by the eivill report bruited thereof, by those sent from New England to settle at Cape Faire contrary to what Mr. William Hilton and the rest with him sent to discover that coast did and doe affirme thereof, and having greate confidence in the said Hilton's fidellity and honest indeavowrs therein, have out of an earnest desire and confident persuasion of a happy settlement for our English nation in those parts, now againe hired and sent the above said Mr. Hilton with his ship Adventure and twenty two men well fitted and victualled for 7 months for discovery of that coast southwards from Cape Faire as far as 31 degrees North latitude; in which design of discovery there are, and will be above two hundred gentlemen and amongst them many persons of good quality in this Island whoe are and wilbe at a considerable charge therein.

"The said Adventurers doe earnestly with all Humility desire and request that those Noble undertakers whoe have lately obtayned a charter of the Province of Carrolina from his Royall Majtie wilbe pleased with as much convenient speede as may be to send them an exemplification of there said Charter under the broadseale of England fully recited; and together therewith and by virtew of the said charter to impower and authorize the aforesaid Adventurers or such of them as the said Grantees shall judge fitt to nominate together with the rest of there Assotiates and freinds, them there heires and assignes to take up and purchase of the natives such certine tract or tracts of Lands as they and such as they shall send theither to settle may or shall finde fitt for the accommodation of themselves and of there freinds there, in the forme and manner of a County or Corporation, not exceeding or about the quantity of thirty or thirty two myles square, or one thousand square myles, which they desire may be called the Corporation of the Barbadoes Adventures, and that the said tract or tracts of land, County or Corporation, they desire may be granted and confirmed to them and there Assotiates, and to there heires and assignes for eaver, in full, free and ample manner and with the same power, priviledges, jurisdictions, and Immunities as the aforesaid Provinces is granted to them by his Majestie. And if any more or other rents, acknowledgements or services be or shall be desired, expected or required, then the proportion of what is by them the said pattentes or first undertakers to be paid and allowed to his Majestie it may be by them ascertained and expresly set downe in there said Graunte to these said Barbadoes Adventures, before they shalbe at further Cost, Charge or troble to settle it which they desire to know as soon as may be for that heare are many hundreds of noble famillyes and well experienced planters that are willing and ready to remove speedily theither to begin a settlement as aforesaid and to beare the brunt thereof, if they shall receive such incorragement as is expected as aforesaid from so noble and worthy undertakers as we do understand are concerned as principalls in said Charter which priviledges and incorragements they are the rather boald to expect Adventures not onely for there vigorous and ready appearing to promote the further discovery and hopeful settlement thereof at such times as this, when soe greate a cloude of obscurity was cast upon it but alsoe from the aptnes of the people heare and persons heare ingaged to further such work as well for there experienced planters as for the number of there Negroes and other servants fitt for such labor as wilbe there required, and doe alsoe find the less cause to doubt of the desired trust to be reposed in them, in regard many of there number consists of per-

sons of good quality fitt to manage the Government of soe considerable a corporation, whoe with there freindes and assotiates doe desire to expect to have the sole power of electing all delligates, Governors and officers, and making Lawes and governing amongst themselves according to the tenor and Priviledges of the said Graunte or charter from his Majestie which if granted soe, as to incorrage such a free and noble settlement as they believe and hope is aymed at, will much promote the good and speedy settlement of many other very considerable corporations within the territory and Dominions of the afore-said Province.

"They alsoe desire that a Proclamation may be procured from the Kinge directed to all Governors in these his Majestie's plantations, requiring them not to hinder any free and uningaied persons from going theither to settle upon any frivilus pretences whatsoever; but rather to further the good and speedy settlement thereof that possible may be in order whereunto; and that those noble persons to whom the Charter is granted may the better know whome to appoynt and nominate as Prime Adventurers and undertakers of the before mentioned Corporation, the said Adventurers doe intend by the next to send a list of such persons named as have already subscribed and of the committee by them choasen to manage affaires heare for this yeare and untill some shall be sent theither to performe the same upon the place unless the said undertakers in England shall please to leave in blancke the place for the said Committee; to put in such persons names as they shall judge most fitt and find willing to goe speedily theither to begin the said settlement there.

"My Lord—We humbly advize you will be pleased to appoynt some persons with your Instructions to treat with them on there proposealls, and wee conceive to bringe them to accept of by Lawes onely in steede of Generall Laws, which they desire to have power to make, it being fitt the whole Country should make the Generall Lawes and that the Governors they meane to choose should bee only such as in the City of Exon, vizt: Mayors, Aldermen, Sherifes, Constables, and the like this wee conceive may sattisfie them, otherwayes they wilbe disturbed in Government which may cause

"your humble servants

"Tho: Modyford

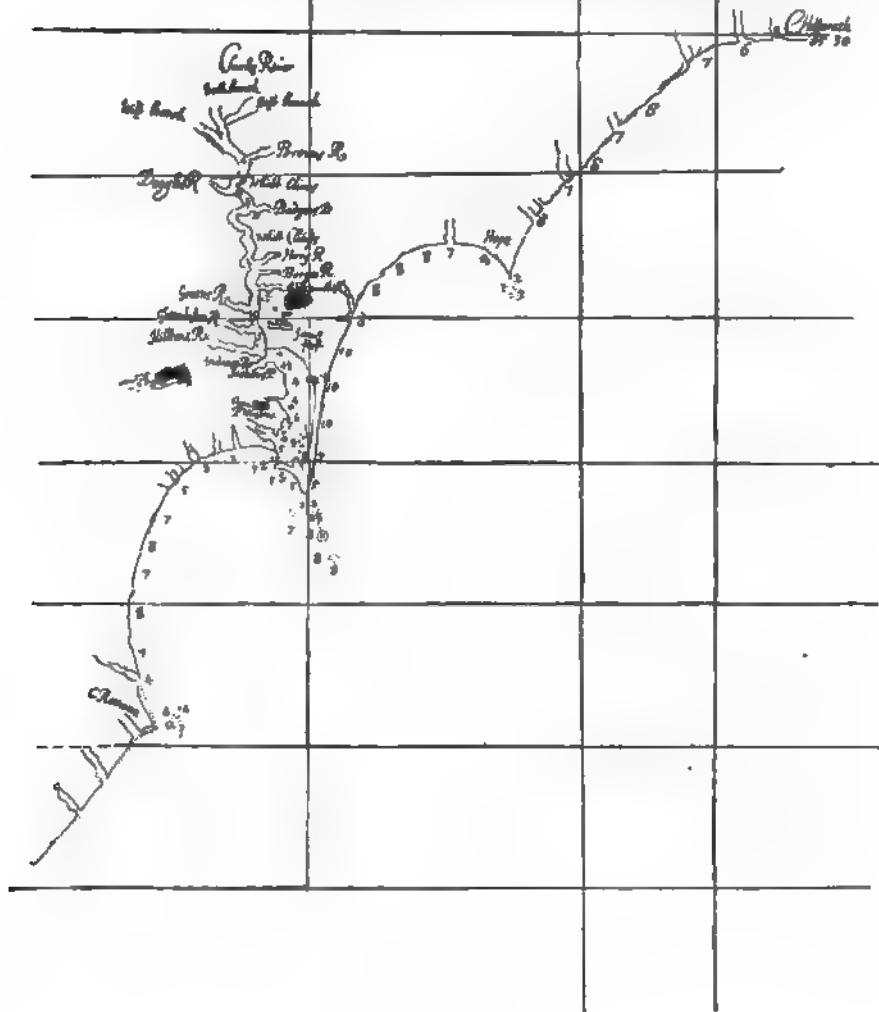
"P. Colleton."

#### THE FAMOUS HILTON EXPEDITION

There is proof positive that the "several gentlemen of Barbadoes" were certain that their proposals would be accepted; for two days previous to the date of their letter to the eight Proprietors, they sent Hilton as commander of the expedition and commissioner, with Capt. Anthony Long under him, to spy out a suitable site for their colony. The expedition sailed from Spekes Bay, Barbadoes, August 10, 1663, and on September 3rd entered a harbor "and found it was the River Jordan, and was but four leagues or thereabouts N. E. from Port Royal, which by the Spaniards is called St. Ellens (St. Helena)." The narrative proves that the Spaniards were frequent visitors to this locality, and there was a number there, even then, with whom Hilton communicated.

Speaking of the St. Ellens locality he says "within land both rivers meet in one" (the Broad River probably). He also notes an Indian settlement and adds: "That which we noted there, was a fair house builded in the shape of a dove-house, round, two hundred feet at least,

Discovery made by William Hilton of Chesapeake for the English Nation  
from Cape Hatteras Lat: 35° 36' to 37° north of Cape Fear in Lat: 32° 30' to 33° 30' N. 1662  
and Cape Fear in the form as you see by the survey of the same August 1662



[Brit Mus Add. MS. 54.5.64.]

FAMOUS HILTON MAP (1662)

completely covered with Palmeto leaves, the walplate being twelve feet high, or thereabouts, and within lodging Rooms and forms; two pillars at the entrance of a high seat, above all the rest; also another house, like a Sentinel-house, floored ten foot high with planks, fastened with spikes and nayls, standing upon substantial posts, with several other small houses round about. Also we saw many planks, to the quantity of three thousand foot or thereabouts, with other timbers squared, and a Cross before the great house. Likewise we saw the Ruines of an old Fort, compassing more than an acre of land within the Trenches, which we supposed to be Charl's Fort, built, and so called by the French in 1562."

In that region the expedition remained some days endeavoring to rescue a party of Englishmen from their Spanish captors. Failing to do this, Hilton sailed to Cape Fear, explored that country more thoroughly and then returned to the Barbadoes where he arrived in January, 1664. The entire narrative is of much interest and material portions of it are reproduced. It was originally printed in London "at the Star near the West-end-of St. Pauls, 1664," and bears as its title: "A true Relation of a Voyage, upon discovery of part of the Coast of Florida (now Carolina) from the Lat. of 31 Deg. to 33 Deg. 45 M. North Lat. in the Ship Adventure, William Hilton Commander and Commiffioner, with Captain Anthony Long and Peter Fabian; fet forth by feveral Gentlemen and Merchants of the Ifland of Barbadoes; failed from Spikes Bay Aug. 10, 1663."

#### COAST OF FLORIDA SIGHTED

"After Sixteen days of fair weather, and prosperous winds," says the Relation, "Wednesfday the 26 infant, four of the clock in the Afternoon, God be thanked, we espied Land on the Coast of Florida, in the lat. of 32 deg. 30 min. being four Leagues or thereabouts to the Northwards of St. Ellens, having run Five hundred and fifty Leagues; and to the Westward of the Meridian of Barbadoes, three hundred thirty and one Leagues. This Evening and Night following we lay off and on; Thursfday the 27th infant, in the morning we stood in with the Land, and coasted the Shoar to the Southward, Ankering at Nights, and fending our Boat out a Mornings, till we came into the lat of 31 deg. but found no good harbour that way. On Sunday the 30th infant, we tacked, and stood Northward; and on Wednesfday the second of September, we came to an Anchor in five fathoms at the mouth of a very large opening of three Leagues wide, or thereabouts, in the lat of 32 deg, 30 min, and sent our Boat to found the Channel.

#### \* ENTER THE RIVER JORDAN

"On Thursfday the third, we entered the Harbour, and found that it was the River Jordan, and was but four Leagues or thereabouts N. E. from Port Royal, which by the Spaniards is called St. Ellens; within Land, both Rivers meet in one. We spent some time to found the Channels both without and within, and to search the Rivers in feveral branches, and to view the Land. On Saturday the fifth of September, two Indians came on Board us from the N. E. fhore, whom we entertained courteoufly and afterwards fet them on shoar. On Sunday the fixth, feveral Indians came on Board us, and said they were of St. Ellens; being very bold and familiar, speaking many Spanish words, as Captian, Commarado and Adeus. They knew the use of Guns, and are as little ftartled at the firing of a Piece of

Ordinance, as he that hath been used to them many years; they told us the nearest Spaniards were at St. Augustins, and several of them had been there, which as they said was but ten days journey; and that the Spaniards used to come to them at Saint Ellens, sometimes in Conoa's within Land, at other times in small Vessels by Sea, which the Indians describe to have but two Masts. They invited us to come to St. Ellens with our Ship, which they told us we might do within Land.

#### ARRIVE AT ST. ELLENS, OR PORT ROYAL

"Monday the 14 September, our Long-Boat went with twelve hands within land at St. Ellens. On Wednesday the 16th, came five Indians on board us; one of them pointing to another, said, he was the Grandy Captain of Edistow; whereupon we took especial notice of him, and entertained him accordingly, giving him several Beads & other trade that pleased him well; He invited us to bring up our Ship into a Branch on the N. E. side, and told us of one Captain Francisco, and four more English that were in his custody on shoar; whereupon we shewed him store of all Trade, as Beads, Hoes, Hatchets and Bills &c, and said he should have all those things if he would bring the English on board us; which he promised should be done the next day. Hereupon we wrote a few lines to the said English, fearing it to be a Spanish delusion to entrap us. In the dark of the same Evening came a Conoa with nine or ten Indians in her with their Bowes and Arrows, and were close on board before we did discern them; We hailed them, but they made us no answer, which increased our jealousy: So we commanded them on board, and disarmed them, detaining two of them prisoners, and sending away the rest to fetch the English; which if they brought, they should have theirs again. At length they delivered us a Note written with a Coal, which seemed the more to continue our jealousy, because in all this time we had no news of our long boat from St. Ellens, which we feared was surprised by the Indians and Spaniards. But to satisfy us that there were English on shoar, they sent us one man on board about twelve of the clock in the Night who related to us the truth of the matter and told us they were cast away some four or five leagues to the Northward of the place we then rode, on the 24th of July past, being thirteen persons that came on shoar, whereof three of them were killed by the Indians.

"On Thursday the 17th of September the Long-boat returned from St. Ellens, which presently we sent on shoar to fetch the other English, the Indians delivering us three more; and coming aboard themselves, we delivered them their two men. Then we demanded of the chief Commander where the rest of our English were; he answered, Five were carried to St. Ellens, three were killed by the Stonohs, and the other man we should have within two days. We replied to him again, That we would keep him and two more of his chief men, till we had our English that were yet living; and promised them their liberty, with satisfaction for bringing us the English. Now to return to the business of our Design; the entertainment we had at S. Ellens put us in great fear of the Indians treachery; For we observed their continual gathering together and at last began with stern look'd countenances to speak roughly to us; and came to search our mens Bandoleers and pockets; yet inviting us to stay that night with them: but we made a sudden retreat to our Boat, which caused the Indian King to be in a great rage, speaking loud and angry to his men;

the drift of which discourse we understood not. [Then follows the extract, already quoted, describing the discovery of the remains of old Charles Fort.]

"On Monday, September 21, one English youth was brought from St. Ellens aboard us by an Indian, who informed us that there were four more of their company at St. Ellens, but could not tell whether the Indians would let them come to us: For faith he, our Men told me, that they had lately seen a Frier and two Spaniards more at St. Ellens, who told them that they would fend Soldiers suddenly to fetch them away. This day we sailed up the River with our Ship to go through to St. Ellens. On Tuesday the 22nd instant, three Indians came on board; one of them we sent with a letter to the English Prisoners there. On Wednesday the 23rd, we sent our Boat and Men to found the Channel and find out the most likely way to St. Ellens with our Ship by Combeheh. In the meantime came many Canoes about us with Corn, Pumpions, and Venison, Deer-skins, and a sort of sweet-wood. One of our men looking into an Indian basket, found a piece of Spanish Rusk: It being new, we demanded of the Indian where he had it; who said, of the Spaniards. In the interim, while we were talking, came a Canoe with four Indians from St. Ellens, on standing up, and holding a paper in a cleft stick; they told us they had brought it from the Spanish Captain at St. Ellens. We demanded how many Spaniards were come thither; who said Seven, and one English-man: We received their letter writ in Spanish, but none of us could read it: We detained two of the chiefest Indians, one of them being the Kings Son of S. Ellens, and that kept one of the English prisoners; the other two we sent away with a Letter to the Spaniard, wherein we gave him to understand that we understood not his letter; and told the Indians, when they brought the English, they should have their men again, with satisfaction for their pains.

#### IN TOUCH WITH ENGLISH AND SPANIARDS

"On Thursday, 24 instant, we sailing further up the River to go through, at last came to a place of fresh water, and Anchored there, sending our Boat afloat with a Guard to get water. Towards night came the first Indian that we sent to St. Ellens with a letter to the English, who brought us another letter from the Spaniards, and an Answer to ours from the English, writ in the Spaniards letter. The Spaniard sent us a quarter of Venison, and a quarter of Pork, with a Complement, That he was sorry he had no more for us at that time. We returned him thanks, and sent him a Jug of Brandy; and withal, that we were sorry we understood not his letter. This night about twelve of the Clock we had a most violent gust of wind, but of no long continuance.

"On Friday 25 September we weighed, and returned down the River six leagues, or thereabouts, because we perceived the Indians had gathered themselves in a Body from all parts thereabouts, and moved as the Ship did; and being informed by an Indian that the Spaniards would be there the next day; we took in Fire-wood, and continued there that night, at which time one of our Indian Prisoners made his escape by leaping over-board in the dark. On Saturday the 26, we weighed and stood down to the Harbours mouth, and stayed there till Monday the 28. In all which time came no one to us, though we stayed in expectation of their coming continually; therefore put out to Sea, concluding their intentions not to be good. Being out of the River Jordan, we directed our course S. W. four leagues or there-

abouts for Port-Royal, to found the Channel without from the poynts of the Harbour outwards; for we had founded the Harbour within from the points inward when our Boat was at St. Ellens."

#### THE STAY AT PORT ROYAL

Captain Hilton proceeds, in very nautical and precise terms, to explain the good and bad points of the channels and coasts of the Port Royal region and mentions the River Grandy "or as the Indians call it Ediftow," six leagues from the River Jordan, adding: "But because the chief Indian of that place was on board us and the Countrey all in Arms, we, not knowing how the winde might croffe us, it was not thought fit to stay there.

"But some of those English that had lived there being Prisoners, say, that it is a very fair and goodly River, branching into several branches, and deep, and in fresh water at low tide within two leagues of the Mouth; it seeming to us as we passed by, a good entrance large and wide, lat 32 deg. 40 min. in or thereabouts.

"Now our understanding of the Land of Port-Royal, River Jordan, River Grande, or Ediftow is as followeth: The lands are laden with large tall oaks, VValnut, and Bayes, except facing on the Sea, it is most Pines tall and good: The land generally, except where the Pines grow, is a good Soyl, covered with black Mold, in some places a foot, in some places half a foot, and in other places less, with Clay underneath mixed with Sand: and we think may produce any thing as well as most parts of the Indies that we have seen. The Indians plant in the worst land, because they cannot cut down the timber in the best, and yet have plenty of Corn, Pumpions, Water Mellons, Muskmellons; although the land be overgrown with weeds through their laziness, yet they have two or three crops of Corn a year, as the Indians themselves inform us. The country abounds with Grapes, large Figs, and Peaches; the Woods with Deer, Conies, Turkeys, Quails, Curlews, Plovers, Teale, Herons; and as the Indians say, in Winter with Swans, Geese, Cranes, Duck and Mallard, and innumerable of other waterfowls, whose names we know not, which lie in the Rivers, Marshes, and on the Sands: Oysters in abundance, with great store of Muscles. A sort of fair Crabs, and a round Shell-fish called Horfe-feet; The Rivers stored plentifully with fish that we saw play and leap. There are great Marshes, but most as far as we saw little worth, except for a root that grows in them the Indians make Bread of. The Land we suppose is healthful; for the English that were cast away on that Coast in July last, were there most part of that time of year that is sickly in Virginia; and notwithstanding hard usage, and lying on the ground naked, yet had their perfect health all the time. The Natives are very healthful; we saw many very Aged amongst them. The Air is clear and sweet, the countrey very pleasant and delightful: And we could wish that all they that want a happy settlement, of our English Nation, were well transported thither."

Captain Hilton then sailed and was driven along the Carolina coasts northward from September 29th to October 12th, when he cast anchor at the Cape Fear roadstead. His explorations in that region and his descriptions of the country concern North rather than South Carolina. He reports the cattle and swine which he found there specially fat and large—the remains of the live stock brought by the unsuccessful New England colonists. In this connection and in conclusion, the three chief figures in the expedition—Anthony Long, William Hilton and Peter Fabian, have this to say:



"VVHereas there was a Writing left in a Poft at the Point of Cape Fair River, by thofe New England-men that left Cattel with the Indians there, the Contents whereof tended not only to the difparagement of the Land about the faid River, but alfo to the great difcouragement of all thofe that fhould hereafter come into thofe parts to fettle: In Anfwer to that fcandalous writing, We whofe names are underwritten do affirm, That we have feen facing on both fides of the River, and branches of Cape Fair aforefaid, as good Land, and as well Timbered as any we have feen in any part of the world, fufficient to accommodate thoufands of our Englifh Nation, lying commodioufly by the faid River.

"On Friday the 4th of December, the winde being fair, we put out to Sea, bound for Barbadoes; and on the 6th of January, 1663/4, we came to Anchor in Carliffe-Bay; and after feveral known apparent dangers both by Sea and Land, have now brought us all in fafety to our long-wifh'd for and much defired Port, to render an Account of our Difcovery, the verity of which we aver."

As was later developed, the Barbadoes adventurers had the cold shoulder turned to them by the Proprietors, and aside from the collection of much valuable information, utilized by historians and even later colonizers, the Hilton expédition was barren of results. It was another disheartening blow to the Barbadian planters; and Colonel Modyford retired to Jamaica where his after lines were drawn more pleasantly. But the Barbadians were to come into their own very soon.

### CHAPTER III

#### PARTIAL SUCCESS OF ENGLISH PERSISTENCY (1666-1670)

All legal obstacles in connection with the old Heath patent having been cleared away, and the New Englanders who attempted the planting of the Cape Fear Colony having relinquished all claims to the region, no valid excuse could be made by the Proprietors for longer delaying the practical settlement of the grand domain made over to them by His Majesty. The chief records covering this early period of Carolina history are mainly preserved in the British Record Office, published by the State of North Carolina. From them it is known that the Proprietors sent a commission to Sir William Berkeley, appointing him governor of "all that Terrytory or tract of ground now (1664) called the Province of Carolina sytuate lyeing, and being within His Majesty's Dominion in America extending from the north end of the Island called Lucke Island which lieth on the Southern Virginia seas and within 36 degrees of Northern Lattitude, and to the west as far as the south seas mentioned."

#### COUNTY OF CLARENDON CREATED

Albemarle County had already been formed of the territory between Virginia and Albemarle Sound, North Carolina, and in 1664 the Proprietors created the County of Clarendon, with undefined boundaries to the south. In November of that year Robert Samford, or Sandford (as the name is generally spelled), was commissioned secretary and chief register of the new county and John Vassal, its surveyor general and deputy governor. The region around Cape Fear was considered the nucleus of prospective settlement. Induced by liberal terms offered during the previous year as to "home rule," exemption from certain taxes, cheap land rentals, protection, etc., a number of English emigrants had arrived in the spring of 1664. At the time that Sandford and Vassal received their commissions, the colonists had begun to build a town called Charles Town, about twenty-five miles up the Cape Fear River. To aid and encourage the enterprise Charles II had presented the colony with twelve pieces of cannon and a considerable quantity of munitions.

#### SIR JOHN YEAMANS, GOVERNOR OF CAROLINA

In this connection, the names Yeamans and Saye figure in the narrative with especial prominence, and it is noteworthy that they are also intimately connected with the vital period of English history preceding these colonial times twenty years or more. As stated by McCrady: "Sir John Yeamans was the eldest son and heir of Robert Yeamans, alderman of Bristol, who was imprisoned and executed in 1643 by order of Nathaniel Fiennes, son of Lord Saye, who had been appointed governor of Bristol by the Parliament." Sir John was one

of the Royalists who had fled to the Barbadoes, and during the troublous times preceding the Restoration had become one of the wealthy and leading planters of the West Indies. It would seem that his son, Major William Yeamans, also shared his influence. When it became evident that the Proprietors were in earnest about their colonization schemes, Sir John entered into negotiations with them, through his son, in behalf of numerous Barbadians who wished to settle in Carolina, a land of great possibilities and adventure. The word "adventurers," so often used in the official documents and literature of those times, is truly suggestive.

The enterprise headed by Sir John Yeamans aimed to combine various elements which had already figured in unsuccessful attempts at colonization, and his efforts resulted in the execution of an agreement between the "parties of the first part," the Lords Proprietors, and the "adventurers of the Island of Barbadoes and their associates of England, New England, the Carribbia Islands and Barmothos (Bermuda)." The concession to the latter specified "the province of Carolina and all that shall plant there. In order to the settling and planting of the countye of Clarendine, the county of Albemarle and the county of . . . . . which latter is to be to the southward and westward of Cape Romania, all within the Province aforesaid."

The concession and agreement of the Lords Proprietors bore date January 7, 1665, and four days afterward Sir John Yeamans was commissioned governor of the "County of Clarendon near Cape Faire and of all that tract of ground which lyeth southerly as farr as the River St. Matthias which bordereth upon the coast of Florida within 31 degrees northern latitude and so west as farr as the South Seas, as also all Islands and Islets, Rivers and Seas within the said bounds, and our said Province of Carolina. With power to nominate appoynt and take to you 12 able men at most, 6 at least to be of your councile or assistance, or any even number between 6 and 12, unless we have before made choyce or shall chuse all or any of them." Sir John Yeamans was also made lieutenant general of the county and "tract of ground" mentioned.

The contract thus made between the Proprietors and the Barbadoes adventurers and their associates contained definite rules for the government of any colony which might be formed in the province, and although a memorandum accompanying it stated that the concession was to be under the governorship of Sir John Yeamans for the time being, "yit notwithstanding it is ment and intended that the part of it which is about to be settled to the southward and westward of Cape Romania be a distinkt Government from the county of Clarendon, and that their be a distinkt deputy Governor for the present and that it be called the county of Craven, and as soon as it shall be settled by the said Sir John Yeamans or any other that there be a distinkt Governor commissioned to govern there." Thus appeared dimly in the horizon of the future, South Carolina!

To make everything secure, as to the royal and proprietary titles to the Carolina lands, the Great Eight decided to apply to the king for another charter, confirming and verifying all the steps which had gone before since the original grant of 1629. Thus was the charter of June 13, 1665, granted to the Proprietors. By its provisions, the limits of the concession, the province of Carolina, were extended to twenty-nine degrees in the south, considerably beyond the former boundary of St. Matthias River (St. John's). The northern boundary was thirty-six degrees and thirty minutes, west to the South Seas; or

the northern boundaries of North Carolina and Tennessee projected west to the Pacific Ocean!

#### CHARTERS OF 1663 AND 1665

But before taking up the narrative which is to detail the explorations in the coast country of the present South Carolina, eventuating in the real planting of a colony on its soil, it is important, as throwing light on the development of civil government in the Palmetto State, to note the differences in the charters of 1663 and 1665 and the advancement in democratic spirit evinced by the latter. Both the parallelism and contrast are described so well by Rivers that all later writers have substantially adopted his statement. We quote his words.

"The counties of Albemarle and Clarendon were founded under the charter of 1663. Two years afterward a second charter was bestowed upon the same noblemen, chiefly because the extent of territory then given did not include all the region in a southward direction which England was disposed to claim. The limits of the province were now enlarged to 29 degrees on the south, and 36 degrees 30 minutes on the north, including all within these parallels from the Atlantic to the South Seas, or the Pacific. To this immense tract of land were afterward added the Bahama Islands, lying eastward in the Atlantic. Perhaps this extension of the grant, which embraced two more degrees on the south, was in anticipation of the treaty concluded with Spain, and by which the latter power relinquished her pretensions to the territory in North America then in possession of the English.

"There are two other differences between the charters. In the first, the territory granted is spoken of as one province. In the second, power is given to subdivide the province into counties, baronies and colonies, with separate and distinct jurisdictions, liberties and privileges. The second charter is also more explicit in matters of religion; the proviso in the first restraining dissenters from the Church of England, being changed to a promise or declaration that such persons should not be molested for their religious opinions and practice.

"The second charter formed the basis of the government of Carolina until its surrender to the king by the Proprietors. A synopsis of its provisions is necessary for a proper understanding of much of our history during that long period.

"To the king were reserved the allegiance of the settlers and the sovereign dominion over the country; in all other respects the noblemen to whom the charter was granted and their heirs and successors, were constituted the true and absolute Lords Proprietors, to hold the province as their own, with no other service or duty to the king than the annual payment of twenty marks (about \$64) and the fourth part of the gold and silver ore that should be found within the province.

"To the Proprietors was also granted the power from the king, as the head of the Church of England, to cause churches and chapels to be built and consecrated, and to appoint the ministers of them; and also such independent jurisdiction as was held by the bishops of Durham, who from the earliest times of the English monarchy had regal authority in their county—who appointed judges, pardoned treason, murder and other crimes; and all offenses were said to be committed against their peace and not, as in other places, against the peace of the king.

"To the Lords Proprietors, was likewise granted the power to subdivide the province, as we have previously mentioned; and also to ordain, make and enact, and under their seals to publish any laws and constitutions whatsoever, either appertaining to the public state or said whole province or territory, or of any distinct or particular county, barony or colony of or within the same, or to the private utility of particular persons, according to their best discretion, by and with the advice, assent and approbation of the freemen of the said province or territory, or of the freemen of the county, barony or colony or which such law or constitution shall be made, or the greater part of them, or their delegates or deputies,' and whom, for this purpose, the Proprietors should, from time to time, cause to assemble in such manner and form as to them should seem best.

"It was, however, reserved to the Proprietors, or their appointed magistrates, when any sudden occasion would prevent the calling of the Assembly, to proclaim ordinances for preserving the peace or for the better governing of the people, provided such ordinances were in accordance with the laws of England, and did not affect the freehold or other property of the people.

"It was granted to the Proprietors to build towns and cities and form manors—to erect forts and other fortifications—to make war, and have complete military power in all respects as a general of an army has; and to suppress rebellions and establish martial law in the province.

"The province of Carolina was to be distinct from all other provinces, and its inhabitants were to be liege subjects directly to the king, and could not be compelled to answer in any court out of the province except in the courts of England. The charter offered particular encouragements to all who would settle in the province. The permission of transporting themselves and families was accompanied with the royal assurance of their protection as still a part of the English people, and of their right still to claim and enjoy all the privileges of British subjects.

"To them also was given the freedom of commerce to and from the ports of England, without distinction as colonists; and to export free of duty all tools and implements necessary to the cultivation and improvement of the land, and for seven years to import freely into England such agricultural productions as at that time were supposed likely to become the most valuable productions of the new province.

"The Proprietors were to establish such seaports as they pleased, and to have for themselves the revenues arising from the customs and duties; but these were to be assessed by the Proprietors 'by and with the consent of the free people, or the greater part of them.'

"The lands in the provinces which should be purchased or otherwise obtained from the Proprietors, were to be held as the absolute property of those who should obtain them. The Proprietors could themselves dispose of all their share in the province.

"The Proprietors had power to confer within the province marks of distinction and titles of honor, provided they were not the same as those conferred in England.

"But the most important encouragement offered to the settlers was the religious freedom to dissenters from the Established Church of England. The charter conferred upon the Proprietors the power of granting in such manner and with such restrictions as to them might seem fit, indulgence and freedom in matters of religion, and that no such person or persons unto whom such liberty shall be given shall be any way molested, punished, disquieted, or called in question

for any difference in opinion or practice in matters of religious concernment, who do not actually disturb the civil peace of the province, county or colony that they shall make their abode in; but all and every such person and persons may, from time to time and at all times, freely and quietly have and enjoy his or their judgment and consciences in matters of religion throughout all the said province or colony, they behaving peaceably and not using their liberty to licentiousness, nor the civil injury or outward disturbance of others.'

"At this time in England the dominion of the Presbyterian party had just been superseded by that of the Episcopalians; and the injuries the latter had received produced, as is natural, a spirit of intolerance against dissenters and non-conformists. By the former party the use of the Book of Common Prayer had been forbidden, even in private houses; and thousands of Episcopal clergymen had been driven from their benefices and subjected to insult and injury. The House of Commons, on the other hand, began the retaliation by resolving to expel from among themselves all who would not take the sacrament according to the form of the Church of England. Episcopal ordination was declared necessary for preferment to the livings of the church; and in consequence several thousands of ministers in one day were obliged to leave their benefices. These, and other extreme measures enacted show how little harmony existed between the religious parties at the period of the Restoration.

"Of the eight Proprietors of Carolina all but the Earl of Shaftsbury were advocates of Episcopacy. It may appear remarkable that in the charter (of 1665) the civil rights granted to the colonists are secured to them by the king independent of the Proprietors, while religious freedom was left subject to their will and restriction. But their liberal interpretation of this clause of their charter will be manifest in the unrestricted toleration of all sects, which they ordained in the body of laws or frame of government afterward prepared for their colonists in Carolina; a toleration the more to be admired when we consider the spirit of persecution which still warmly existed in all denominations of Christians in the mother country."

#### PRELIMINARIES TO FURTHER EXPLORATIONS

It was under this rather liberal charter of 1665 that Sir John Yeamans prepared to explore the county of Clarendon which had been ceded to him and his associates. In the October following the granting of the charter, he headed an expedition of Barbadians bound for the Cape Fear region in three small vessels. A violent storm separated them for several weeks, but the little fleet was reunited in the beginning of November and cast anchor at the mouth of the Charles River; that is, two of them did, but the one which contained the greater part of the stores and munitions went aground and was wrecked. Sandford, the clerk and register of the county, was a member of the expedition, and he was delegated to explore the southern section of the grant in order to fix upon a suitable site for another colony.

Before that enterprise could be undertaken, it was necessary to obtain a new supply of provisions from Virginia, and the sloop of the three original vessels was dispatched for that purpose, while Sir John returned to the Barbadoes in his frigate. The sloop brought back the necessary stores and munitions, but was found to be unfit for such a voyage of exploration as was contemplated by Yeamans and Sandford. The latter, however, hired a vessel which had come into

port from the Barbadoes. It was of about fifteen tons burden. Thus, on June 14, 1666, he commenced the southern voyage from Cape Fear to Port Royal. The Atlantic coast of the St. John's River had been partially explored by the Spaniards, but to the English it was virtually unknown ground.

#### THE SANDFORD VOYAGE

Fortunately, this voyage, so vital to the genesis of South Carolina history, was faithfully recorded by Sandford himself and the account preserved in the famous Shaftsbury Papers. These invaluable charts and documents, which had been in the possession of the Shaftsbury family for two centuries, were, about forty-three years ago, presented to the Public Record Office, London. Many of them related to South Carolina, notably the record of the Sandford expedition.

"This record," said the Hon. W. A. Courtenay, "gives an authentic and complete narrative of the first well considered and successful effort to prepare for a colony in Carolina." The title itself is interesting: "Being the Relation of a Voyage on the Coast of the Province of Carolina, formerly called Florida, in the Continent of Northern America, from Charles River, neere Cape Feare, in the County of Clarendon and the latitude of 34 deg. to Port Royal in the North Lat. of 32 degrees: begun 14th of June, 1666—performed by Robert Sandford Esq., Secretary and Cheife Register for the Right Hon<sup>ble</sup> the Lords Proprietors of their County of Clarendon, in the Province aforesaid."

The little sloop, which had narrowly escaped destruction on the voyage from the Barbadoes, was without a skilled navigator, its former captain having committed suicide by leaping overboard. Although he "undertook the office," Sandford, as he admits in his narrative, was "noe better capacitated for it than a little Reading in the Mathematics had rendered me, with the helpe of a few observations, made whilst a passenger in some late sea voyages to divert their tedium." His sloop did not actually leave port until June 16th, having aboard the Captain, two other men and a boy, and seventeen colonists. With the sloop was also a shallop of three tons, with a crew of three men.

The impression must not be conveyed that Sandford was quite reckless as regards the provisions he made for the safety and success of the expedition. Far from it, for although he was inexperienced as a navigator himself, he was accompanied by a captain, two lieutenants and two ensigns, one of the last named being placed in charge of the shallop. The latter craft parted company with the sloop several nights out.

#### SANDFORD OF THE COUNTY OF CLARENDON (THE PROVINCE OF CAROLINA)

On the 22d Sandford made his first landfall. He had sailed up a fair river four or five miles, anchored and received two Indians aboard, who had paddled to his vessel in a canoe and informed him that he was in the country of Edistoh. He named the place Harvy Haven, in honor of one of his lieutenants. On the following day he landed on the east shore at the mouth of a creek, and took formal possession of the entire county of Clarendon, under the name of the Province of Carolina, for His Majesty Charles II and direct use of the Proprietors. While in the Edisto country the party met a friendly

captain of the tribe named Shadoo, whom Hilton had carried with him to the Barbadoes and who was plainly anxious to reciprocate the hospitality he had there received. Shadoo was so urgent that some of Sandford's men visit his town in the vicinity, that four members of the party finally accompanied the chief. Among the visitors was Henry Woodward, the surgeon of the expedition, who was to play an important role in the founding of the colony. The reports of their reception were so interesting, and their accounts of the richness of the country so enthusiastic, that Sandford paid the Cacique a visit himself, accompanied by a most imposing retinue. He and his followers were "royally treated," and when they returned to the vessel a great troop of Indians followed.

Although the stay in the Edisto region was pleasant, the obvious destination of the voyagers was the Port Royal locality. Says the Sandford narrative: "Among these Indians was one who used to come with the Southern Indians to trade with us at Charles Town in Clarendon, and is known by the name of Cassique; he belongeth to the Country of Kywaha, and was very earnest with me to go with my vessel thither, assuring me a broad deep entrance and promising a large welcome and plentiful entertainment and trade. I told him I must first go to Port Royall and that on my Return I would see his country, but for his better security he would need accompany me to Port Royall and be my Pilot for their River;" and he actually did so.

But Shadoo, the Cacique, does not appear to have been much of a pilot, for on the first morning after weighing anchor for the south Sandford's vessel was run upon the shoals and nearly lost. He therefore named that locality Port Peril; which was St. Helena Sound. Broad River, which had been called the Jordan, he renamed Yeamans Harbor, and while at anchor there he was rejoined by the missing shallop. On the 3d of July he "luffed into the bay and, steering away between Hilton Head and the entrance of Port Royal, about midnight came to anchor within Port Royal River in seven fathoms of water."

#### DESCRIPTION OF THE PORT ROYAL REGION

From his descriptions, which are minute and show close observation, it is probable that on the morning of the Fourth of July, 1666, Sandford and his party visited the principal Indian town of the region on Parris Island. He found the town "as to the forms of building, in every respect like that of Edisto, with a plain before the great round-house for their bowling recreation. At the end of this, there stood a fair wooden cross, which the Spaniards had left; but it was not observed that the Indians performed any adoration before it. All around the town for a great space were fields of maize of very large growth. The soil was nothing inferior to the best he had seen at Edisto; apparently more loose and light. The trees in the woods were much larger; all the ground under them covered with a great variety of pasturage. Besides a great number of peaches, he saw there some fig trees very large and fair, both fruit and plants, and divers grape vines which, though growing without culture in the very throng of weeds and bushes, were filled with bunches of grapes to his great admiration. Upon the whole they esteemed the country superior even to Edisto."

"It was all cut up into islands made by the intervenings of rivers and creeks, yet of firm good lands, excepting what was marsh. Nor were the islands so small, many of them containing thousands of



acres of rich habitable woodland, whose very banks were washed by river or creek, contributing not only to the fertility, but to the convenience of portage."

These favorable reports of the desirability of Port Royal region for purposes of colonization were verified by his assistant, Ensign Brayne, who had also explored sections of the country between Yeamans Harbor and Port Royal. Sandford ascended what is believed to be the Coosawhatchie River about thirty miles and upon returning to his vessel spent two days examining the islands and waterways at Calibouge Sound. He called the sound Sandford, but his name did not remain attached to it.

#### DISCOVERY OF CHARLESTON HARBOR

The conclusion of the expedition, including the adoption of Woodward by the Indians and the first recorded settlement of an Englishman in South Carolina, as well as the discovery of Charleston Harbor, is thus told by Sandford:

"The next day, being the 7th of July, I tooke in some fresh water purposing that night to leave Port Royall and return homeward, having in the discovery already made exceeded all our owne, and therefore confident to answer all other expectacons, besides each man proper occasion hastened him, and the consideration of the charge of the vessell hired, att five and twenty pounds sterling per month, made us earnest not to detain her a minute of time unnecessarily. Wee also designed ourselves some daies to see the country of Kywaha, one of whose inhabitants remained still with us for that onely purpose.

"But a little before night the Cassique of Port Royall came aboard and brought with him a proper young fellow, whome hee made mee to understand to bee his sister's sonne. He demanded of mee when I would retorne thither, and shewing mee the moone, asked whether within three times of her compleating her orbe? I told him noe, but in ten monthes I would; hee seemed troubled att the length of time and as it were begged mee to come in five. But I continued my first given number. At length hee gave mee this young fellowe, told me hee should goe and retorne with mee and that I must clothe him and then he asked mee when I would sayle. I told him presently that night, but hee very much importuned mee to stay until the next day that hee might prepare mee some venison, and made signes as he parted that if in the morning hee should not see mee, hee should crye. And so he left mee, and the Indian with mee.

"I was somewhat pleased with the adventure, haveing before I came on the Discovery wished that if I liked the country I might prevaile with the Indians to tell one of their Nacon to goe with mee, I leaving an English man in their roome for the mutuall learning their language; and to that purpose one of my Company Mr. Henry Woodward, a chirurgeon, had before I sett out assured mee his resolucon to stay with the Indians if I should thinke convenient. Wherefore I resolved to stay till the morning to see if the Indians would remaine constant in this Intencon, according to which I proposed to treat further with them on the morrowe. Therefore I went ashore to their Towne tooke Woodward and the Indian with mee and in presence of the Inhabitants of the place and of the fellows relacons asked if they approved of his goeing along with mee. They all with one voyce consented. After some pause I called the Cassique and another old man (his second in authority) and their wives, and in sight and hearing of the whole Towne delivered Woodward into their charge, telling

them that when I returned I would require him att their hands. They received him with such high Testimonyes of Joy and thankfullness as hughely confirmed to me their great desire of our friendship and society.

"The Cassique placed Woodward by him uppon the Throne and after lead him forth and shewed him a large field of maiz which hee told him should be his. Then hee brought him the sister of the Indian that I had with mee telling him that shee should tend him and dresse his victualls and be careful of him that soe her Brother might be the better used amongst us. I stayed a while being wonndderous civilly treated after their manner and giveing Woodward formall possession of the whole Country, to hold as Tennant att Will of the Right Hono'ble the Lords Proprietors, I returned aboard and immediately weighed and fell downe."

On the morning of the 10th of July, Captain Sandford was before the mouth of the river that "leadeth into the country of Kywaha" (the present Charleston Harbor), but his Indian guide insisted it was more easterly. This confidence made him continue his journey to the northward, and on the 12th of July he entered Charles River and landed at Charles Town, County of Clarendon.

Thus did the Charles Town harbor of South Carolina narrowly escape exploration in July, 1666. Referring to its entrance Sandford says: "The River lies in a bay between Harvy Haven and Cape St. Romano, where we found seven or eight fathoms of water very neere the shore, and not the least appearance of shoales or dangers in any part of itt. It shews with a very faire large opening cleare of any flats or bareing in ye entrance, only before the Easterne point wee sawe a beach but not farre out. I persuaide myself it lead into an excellent Country. In hopes that it may prove worthy the dignity, I called the River Ashley from the Right Hon'ble Anthony Lord Ashley, and to take away every little Remaine of ferraigne title to this Province, I blotted out the name St. Romano putt before upon the next Easterly Cape, and writt Cape Cartrett in the roome to evidence the more Reall Right of Sir George Cartrett, as he is a Lord Proprietor of Carolina.

"It thus appears," concludes Courtenay, "that the brave and adventurous Mr. Robert Sandford gave a name to one of our rivers without having explored it, and nearly four years before it was entered by an Englishman, which name survives to this day—while his patriotic purpose to affix the name of another Lord Proprietor on 'the next easterly cape' has failed."

It may be stated that the Barbadian settlements at Cape Fear were abandoned the year after Sandford's return, and two years after Sir John Yeamans had abandoned them and sailed back to the Barbadoes—that is, in 1667.

#### SANDFORD'S VOYAGE BROUGHT DEFINITE RESULTS

Other descriptions of Carolina than those contained in Sandford's Narrative have descended to us through the Public Record Office; but the voyage of 1666, conveyed the first definite information about the country we now call South Carolina. His explorations led to practical results and actual settlement and, although temporarily a failure, ultimate colonization on the South Carolina coast became a fact.

Whatever may be said of the ability and disinterestedness of the Lords Proprietors, they certainly evinced the English bulldoggedness to persevere when once they obtained a grip on anything of even poten-

tial value. So, in 1667, the year of the abandonment of the last Cape Fear venture, they prepared to found a colony in the region of Sandford's Port Royal exploration. They first fitted out a ship which they placed in command of Capt. William Sayle, who was to further explore that region. A storm drove him to the Island of Providence, one of the Bahamas. This he examined as a possible English outpost in the protection of possible colonists against Spanish attacks. Sayle then struck across to the Carolina coast, but appears to have been intimidated by the Indians and added nothing to the Sandford narrative. But he confirmed the previous good reports, and it was through his recommendations that the Bahamas were added to the concession already in the keeping of the Proprietors.

The Lords Proprietors therefore now resolved to organize an expedition for Port Royal on a large scale, combining in its personnel emigrants from Ireland, England, the Bermudas and the Barbadoes—a forecast of the successive swarms which peopled South Carolina.

Although Joseph West was appointed governor and commander-in-chief of the fleet, July 27, 1669, his was only temporary authority, as Sir John Yeamans still bore the commission of governor and lieutenant general of Carolina; but the latter was then in disfavor, on account of the failure of the Cape Fear colony.

#### GOVERNMENT ON PAPER

Lord Ashley (afterward the Earl of Shaftesbury) and his secretary, John Locke, the great English philosopher and publicist, had prepared these doctrinaire "Fundamental Constitutions" for the government of the Proprietors' grand concession. It was declared to be "the sacred and unalterable form and rule of government" and was also spoken of as "our Grand Model of Government," and thus mentioned in the set of instructions which West carried with him. But, as shown by the document sent for the guidance of the permanent governor and of the deputies not yet appointed, the Proprietors knew that the Grand Model could not be put into effect at the first, and so they framed "Instrucccons" under fifteen heads.

Its introduction reads: "In regard ye number of people wch. will at first sett downe at Port Royall, will be soe small, together wth. want of Landgraves and Cassiques, that it will not be possible to putt or. Grand Modell of Governmt. in practice at first, and that notwithstanding wee may come as nigh ye aforesaid Modell as is practicable."

No. 1 of the instructions provided that when the governor should arrive at Port Royal he was to call an election by which the freemen were to choose five of their number to be associated with the five deputies selected by the Proprietors, and together form a council of advice and consent.

No. 2 obliged the members of the council to swear or affirm loyalty to the king and the Proprietors' form of government.

Nos. 3 and 4 provided for a fort in which were to be stored both munitions and goods; the fort to protect the town.

Nos. 5 and 6 provided for the situation of the first town; with instructions as to the allotment of colonies for the common people, seigniories and baronies for noblemen and gentlefolk, with special injunctions if the town was on an island or on the main land. No one was allowed to take up land within  $2\frac{1}{2}$  miles of any Indian town.

Nos. 7 and 8, pending the operation of the "Grand Model," authorize the establishment of courts of justice by the governor and council and a popular house of twenty members who, with the deputies,

would form the Parliament, their legislation to be eventually passed upon by the Palatine's Court in England.

Nos. 8, 9, 10 and 11 made provisions for various grants of land to free persons and servants of both sexes, the amount dependent upon their ages, condition and the time of their arrival—whether the 25th of March, 1670, 1671 or 1672. The age of sixteen seemed to indicate maturity.

No. 12 specified that all the land was to be laid out in squares of 12,000 acres each. If a Proprietor took up such a tract it was to be known as a seigniory; if a landgrave or cacique, a barony, and if by the people, a colony. The proportion to be maintained was "twenty-fower Collonyes to eight Signioryes and eight Barronyes."

No. 13 ordered the people to settle in towns; one town at least in each colony.

No. 14 provided a servant brought over should be granted land at the rate of an English penny an acre after September 29, 1689.

No. 15 gave directions as to the equitable distribution of the stock of provisions, tools and clothes to be furnished those not able to thus supply themselves. This stock was also to be wisely disbursed to the Indian "cassiques" to "purchase their friendship & Allyance; wherein wee desier you to be as good husbands as may be, that there may be left a considerable store to answer all Emergencies. And never lett ye Indians know what quantity you have it haveing beene observed to be prejudiciall to those that have suffered them to see all their Store."

The last named instructions were especially directed to Mr. West, who was the official storekeeper of the expedition; and he had others, even more specific, along these lines.

Other instructions directed him to sail first to Kinsale, Ireland, there to obtain servants and laborers for the Proprietors. In the various soils experiments were directed to be made in vines, olives, ginger, cotton, indigo and such vegetables as Indian corn, beans, peas, turnips, carrots and potatoes; and he was warned "never to think of making any commodity your business further than for experience sake, and to have your stock of it for planting increase till you have sufficiently provided for the belly by planting store of provisions, which must in all your contrivances be looked upon by you as the foundation of your plantation." Mr. West was also instructed to fence off a piece of ground for cattle to be obtained from Virginia, and to get hogs from the Barbadoes while on his voyage to Port Royal. Further matter of interest might be drawn from these elaborate instructions, but it is sufficient to know their main purport.

#### FLEET CLEARS FOR THE BARBADOES

At length on the 10th of August, 1669, three vessels, the Carolina, the Port Royal and the Albemarle, were "riding in the Downes," the Port of London, ready to take their overseas voyage. They were ordered to stop at Kinsale to pick up Irish servants. Joseph West was on the Carolina and furnished a list of all the masters, free passengers and servants in that vessel; altogether, they numbered about ninety-three.

In the list thus prepared, appear the names of Capt. Florence O'Sullivan, who gave the name of "Sullivan's Island," Charleston Harbor, and Stephen Bull, the protagonist of a distinguished South Carolina family.

The fleet did not clear from England until late in August and arrived at Kinsale about the 1st of September. There the ships were

detained by adverse winds and finally left, more than two weeks afterward, with an addition of only seven persons.

From the coasts of Ireland the ships steered westward and southward for the Island of Barbadoes, which was reached in October. Sir Peter Colleton, one of the Proprietors, was a leading planter in Barbadoes, and his brother Thomas, who resided there, was the person to whom the expedition was "consigned." The island had long been overcrowded and its planters particularly anxious to engage in new enterprises which promised expansion and profit. For a number of years their eyes had been fixed upon the Carolinas as their land of greatest promise, and they had always subscribed liberally in support of the explorations of that region. Therefore it was that the Barbadoes was deemed the guiding star of this enterprise. But that star was not yet in the ascendant.

One disaster after another overtook the little fleet. While lying in port at Barbadoes a gale dashed the Albemarle to pieces on the rocks, broke one of the Carolina's cables, and swept an anchor and a cable of the Port Royal out to sea. Two other vessels were procured and the renewed fleet sailed for Port Royal with Sir John Yeamans as a distinguished passenger. But violent storms drove the Carolina to the Bermudas, and the Port Royal was forced to one of the Bahama islands, where many of the passengers lost their lives.

#### FIND DR. HENRY WOODWARD

After the Albemarle had been replaced, as stated, the fleet again sailed, but was soon forced to put in at Nevis, one of the British West Indies. There they found Dr. Henry Woodward, whom Sandford had left with the Indians at Port Royal in 1665. He had been well treated by the Indians, but had been captured by the Spaniards, taken prisoner to St. Augustine, rescued and carried to the Leeward Islands, shipped as surgeon of a privateer, and cast away on the Island of Nevis in the hurricane which had wrecked the Albemarle. But he was still eager for adventure, and Sir John Yeamans readily accepted his services for the Port Royal expedition.

#### SAYLE SUCCEEDS YEAMANS

At Bermuda Sir John Yeamans wholly withdrew from the expedition, alleging that pressing affairs required his presence in the Barbadoes; the consensus of historical views inclines to the belief that he was neither hardy nor brave enough to see the venture to the end. He named Col. William Sayle, a Bermudian and a skilled navigator, as governor of the new colony, and the name of the latter was inserted in the blank commission taken out by West. This first governor of South Carolina, an accident or a make-shift, is described by Sir John as "a man of no great sufficiency, yet the ablest I could then meet with." Another writer describes him as "a Puritan and nonconformist, whose religious bigotry, advanced age and failing health promised badly for the discharge of the task before him."

At the same time that Sayle's name was inserted as governor, the five deputies who were to represent the Proprietors in the council, were written into the instrument. They were: Joseph West, for the Duke of Albemarle; Dr. William Schrivener, for Lord Berkeley; Stephen Bull, for Lord Ashley; William Bowman, for Lord Craven, and Florence O'Sullivan, for Sir John Carteret or Sir Peter Colleton.

## AT THE MOUTH OF THE ASHLEY

A sloop having been procured in place of the Port Royal, the expedition sailed from Bermuda, February 26, 1670, but the ships were separated by a bad storm, and although they all finally made the mouth of Ashley River, they were not reunited for several weeks. The Carolina and the Bermuda sloop kept together, and on February 26th, according to Hugh Carteret, who was a passenger on the former, "came up with land between Cape Romano and Port Royall at a place called Sowee or Sewee, and the next day brought the ship in, through a very handsome channel, and lay there at anchor a week." That locality has been identified by historians and cartographers as Sewee Bay at the back of Bull's Island and a few miles northeast of Charleston Harbor.

The Indians told the visitors that the Westoes had ruined St. Helena and the country north of it as far as Kiawah (Ashley River). The cacique of that region and some of his people came to the ships and praised their land. The chief was taken aboard the Carolina, which, with its consort, sailed southward, a few days afterward, for Port Royal.

## FIRST ELECTION IN SOUTH CAROLINA

During their short stay at and near Port Royal Governor Sayle held the first election in South Carolina; which was in accord with the tenor of the Instructions, or temporary plan of government which the Proprietors had provided for the colony. The record says he summoned all the freemen to elect five men "to be of the council." William Owens, who by this time had developed into an active politician, was "wholely rejected," and the voters chose as their representatives, Paul Smith, Robert Donne, Ralph Marshall, Samuel West and Joseph Dalton. But Owens, "always itching to be in authority," censured the legality of the election; whereupon, the freeholders, or the major part of them, met a second time and confirmed their former election "by subscribing their severall names."

The ships then left Port Royal and ran in between St. Helena Island and Combahee, and many went ashore at that locality. They found the land good, with many peach trees. From this point the Bermuda sloop was dispatched to Kiawah to further view the land and general conditions there. The result was to confirm Governor Sayle's opinion in favor of that site, and weighing anchor the vessels stood to the northward and, sometime in April, entered what is now Charleston Harbor, of which Sandford had only obtained a good view. The colonists settled on the first elevation on the western bank of the Kiawha (Sandford's Ashley River) to which they gave the name Albemarle Point. Here they were joined by the passengers of the Barbadian sloop, which had been beating along the Carolina coasts for several weeks, on the 23d of May, 1670.

"The colonists were once more united," says Courtenay, at this point. "Two out of the three ships that sailed from the Thames had gone to the bottom and some lives had been lost. Just how many of the original settlers arrived at Kiawah, we are unable to ascertain from the papers before us. Besides, others were taken aboard at Barbadoes and probably at Bermuda. One ship only of the original expedition reached the desired port. Five vessels at least had been employed in landing the colonists at Kiawah from the time they left the Thames."

In May, 1670, the *Carolina* was sent to Virginia for provisions, and on the 27th of June the *Barbadoes* sloop sailed for Bermuda, possibly for settlers or on a similar errand for supplies. The *Carolina* returned on the 22d of August to Kiawah, and early in September was sent to Barbadoes, where she was in November and whence she returned early in the following year with sixty-four new settlers, the John and Thomas bringing forty-two more.

#### FIRST CAROLINA NEGRO RECORDED

Henry Brayne was in command of the *Carolina* in her voyages to Virginia and the Barbadoes, and became quite a figure in the trade which the province carried on with the islands. He had served creditably in the Sandford voyage of exploration and discovery and had gone out as a first-class seaman on the *Carolina*, when it formed one of the West fleet. Like other Carolinans of consequence Captain Brayne made periodical reports to the Lords Proprietors and in a letter which he wrote to Lord Ashley from the Barbadoes, dated November 9, 1670, he begs His Lordship for a more competent surveyor than Capt. O. Swilowvun (O'Sullivan). He then goes on to fix his own personal status and ask a favor, in these words: "My Lord, I have heatherto bine as greate an incourager as any one ordinary man upon the designe (of colonizing Carolina) and I may say I have the best stock of any three men in the Collony, except your Lordshipes interest, haveing put on 6 head of Cattle that my people have milk enough twice a day. I have there alsoe 7 hoggs more I had (sic), but in spite or rashness was killed. Lickwise I have put on 3 sheep, 6 geese, 8 turkies, 12 foules, with provisions enough for my people—which is one lusty negro man,\* 3 christian servants and a oversear I brought out of Virginia, and 10 head of Cattle I have ordered to be brought on this next sumer (sic) by my owne vessell from Virginia.

"But the greatest of my agreavances is that I have not as yett a convenient pece of land that is worth the making a settlement on and as yett verie little Incouragement from your Lordshipes, for when I was at Sir Peter house his Honor was pleased to promise that he would gett me a patten of 5,000 Acres of land, for the monys, sugers, servant and else that I was out at Cape Faire, and for my first discoverie with Coll. Sandford etc."

As early as the first of the month (November, 1670), that Captain Brayne wrote this letter to his patron, Lord Ashley notified West that he was to notice that Ashley River had been so named by Sandford; was still so to be called and that the town, as planted, was to be called Charles Town. But it was not until in September, 1671, that the name appears to have been adopted.

#### MINISTER OF THE GOSPEL WANTED

From all accounts, Governor Sayle was of Puritan stock and habits, and rather strict in his moralities. Not a few of the colonists were not of his type, and obviously there was some prejudice against him and consequent friction. So that his letters to the Proprietors not only called attention to the dearth of provisions, but bewailed the

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\* Said to be the first mention of a negro in South Carolina annals, though Yeamans may have sent some from the Barbadoes, as the latter was assured by Lord Ashley as early as May, 1670, that provision had been made to negroes for 150 acres of land each, under the phrase that "we grant 150 acres of land for every able man servant."

absence of a minister of the gospel. Especially he writes to Lord Ashley about one Mr. Sampson Bond, under "whose powerful and soul-edifying ministry" he had sat in the Bermudas. Mr. Bond had been invited both to Boston and New York "with tenders of large encouragement if he will come to ye one or other place. I have likewise writ most earnestly to him desiring that he would come and settle down with us, assuring him that it is not only my earnest request but withall the most hearty request of ye colony in generall, who were exceedingly affected with him and his ministry all the tyme they were in Bermudas." The Lords Proprietors authorized an offer being made to Mr. Bond of 500 acres of land and 40 pounds per annum to come to Carolina; but there is no evidence to show that he came.

#### ATTEMPT TO ELECT POPULAR ASSEMBLY

The following month after Governor Sayle's plea for a minister of the gospel occurred the first attempt to elect a popular assembly, or parliament, the uneasy William Owens being behind the movement. In him appeared the prototype of the small, pestful politician, ever itching for notoriety. The story reads: "On the 4th of July, 1670, the Gov'r and Council having been informed 'how much the Sabbath day was prophanely violated, and of diverse other grand abuses practiced by the people to the great dishonor of God Almighty and the destruction of good neighborhood,' did seriously consider by which way or means the same might be redressed—but finding the number of freeholders in the colony 'nott neere sufficient to elect a Parliament,' the Gov'r with the consent of his Council made such orders as were thought convenient to suppress the abuses, and summoned all the people to hear the orders; all the freemen consenting thereunto, the orders were published. Whereupon, William Owens 'willing to doe any thing, though ever so ill in itt selfe, rather than not to apeare to be a man of accon (action), persuaded the people that without a Parliament no such orders ought or could passe.' While the Gov'r and Council were discussing this and other matters he persuaded the people to elect a Parliament among themselves, which they did and returned to the said Governor. But after the names of the elect had been taken down by William Owens, they left him and his paper, without taking further notice of him, or their own 'election into dignity.'"

So this first attempt to override the powers that were and form a popular Parliament was very much of a fiasco.

And here the writer pauses to deal with really more weighty matters of state, as they apply to the colony on the Ashley River.



## CHAPTER IV

### THE SEEDS OF COLONIAL GOVERNMENT (1669-1674)

The substantial nature of English governments and civilization is largely determined by the fact that their pioneers in any new venture have still built upon precedent; made improvements upon something which has gone before, and been, at least, partially tested. Thus the Heath charter of 1629, as well as the grants and regulations covered by the royal instruments of 1663 and 1665, were all correlated. Now comes for consideration, Locke's "Fundamental Constitutions,\*" or the Proprietors' Grand Model of Government; so grand that, as a whole, it could never be applied to any part of the Carolinas. Yet, as the gubernatorial instructions, and the temporary governments and legislation adopted from time to time to meet varying conditions, were grounded upon the various provisions of the famous constitutions, considerable space is now devoted to their consideration.

#### LOCKE'S FUNDAMENTAL CONSTITUTIONS

As already stated, the "Grand Model" was prepared by John Locke for and in collaboration with Lord Ashley, who was considered among the ablest and most influential of the Proprietors, in the early part of 1669. It was formally adopted in July—a month before the sailing of the fleet under West—but, as has also been seen, its provisions were not considered applicable to infantile and weak colonies, such as naturally would be first planted on the Carolina coasts.

According to the Fundamental Constitutions one of the Proprietors was chosen palatine, or governor, with regal authority within the province. At his death the oldest of the remaining Proprietors should be his successor.

An hereditary nobility was created, consisting, besides the eight Lords Proprietors, of two orders, namely, landgraves and caciques. Their dignity was supported by grants of large estates, and secured by making these estates forever inseparable from the titles and privileges of the respective orders.

The province was divided into counties; each county into eight seigniories, which should belong to the eight Lords Proprietors; eight baronies, which should belong to the provincial nobility; and four precincts, each containing six colonies, which were reserved for the people.

Each seigniori, barony, and colony contained 12,000 acres, which made each county 480,000 acres, or 750 square miles. Of this land, the eight Proprietors would have 96,000 acres; and as there were to be as many landgraves as counties and twice as many caciques each landgrave's share was appointed to be four baronies, or 48,000 acres,

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\*That Locke wrote the Fundamental Constitutions is evident in that the Proprietors at times referred to them as "the excellent system of Locke."

and each cacique's share, two baronies, or 24,000 acres. There were left three-fifths of each county, or 288,000 acres, for the people.

These proportions of land and of the provincial nobles, were to be invariably preserved as an increase of counties should be made in the province. The effects of this arrangement might be seen from the mode of establishing the Parliament. "There shall be a parliament consisting of the Proprietors, or their deputies, the landgraves and caciques, and one freeholder out of every precinct to be chosen by



*John Locke*

the freeholders of the said precinct respectively. They shall sit all together in one room, and have, every member, one vote."

The landgraves and caciques were created by the Lords Proprietors; and consequently the Parliament, composed in this manner, would have given a majority to the aristocracy until nine counties should have been formed, when the representatives of the people would have obtained a majority of one vote. But this would have been of no avail to the democratic element of the government, since the Proprietors themselves had a vote on all laws passed by the Provincial Parliament. In carrying out this system, other provisions were included in the fundamental laws, resuscitated, perhaps from the time of King Alfred, but unsuited to the usages of the colonists, and discordant with their notions of personal freedom. Any lord of a seignior or barony was permitted to lease, for a term of years part of his estate; and if it were in one piece containing between 3,000 or 12,000

acres, it might constitute a manor, by grant of the palatine's court. The lord of each seignior, barony, or manor, could try his leetmen or vassals, in all civil and criminal cases, without appeal, except by previous registered agreement. Nor could "any leetman or leet-woman have liberty to go off from the land of their particular lord and live anywhere else, without license obtained from his said lord, under hand and seal."

In framing also the higher judicial tribunals, the wisdom of the legislator did not overlook the impartial administration of justice; but the power and interests of the Proprietors and nobles were made preëminent, and their positions and honors perhaps too much exalted above the people. There were eight superior courts, the palatine's chancellor's, chief justice's, constable's, admiral's, treasurer's, high steward's, and chamberlain's; and besides these, county courts and precinct courts. Among the officers of the supreme courts, were vice-chancellors, recorders, justices of the bench, masters, marshals, lieutenant-generals, consuls, proconsuls, under-treasurers, auditors, comptrollers, surveyors, vice-chamberlains, and provosts.

The chief executive authority was in a Grand Council, which had power to determine controversies between the proprietors' courts, arising from conflicting jurisdictions and methods of proceeding—to make peace and war—to conclude treaties with the Indian tribes—to issue general orders for raising, directing, or disbanding the forces by sea or land—and to dispose by their orders on the treasury of all money granted by acts of the Parliament.

Whatever matters were proposed in Parliament must first have been proposed and passed by the Grand Council. While the Parliament was biennial (and could be dissolved by the governor with the consent of any three deputies), on the other hand, the Grand Council met monthly, and oftener if necessary. It was to consist of the palatine and seven Proprietors, or their deputies, and the forty-two councilors of the Proprietors' courts; and these were so chosen as to give a preponderance of power and influence to the Proprietors and their nobles.

#### PROVISIONS RELATING TO RELIGIOUS TOLERATION

To the twentieth century student the most peculiar, certainly the noblest provisions of Locke's remarkable closet constitution, are the fifteen clauses relating to religion. Strange to say they agree little with the tenets of his better known work, the "Two Treatises on Government." The principle he would establish for Carolina does not, it is true, grant full equality of rights for, almost certainly by Shaftesbury's suggestion, "the National Religion of all the King's dominions is so also of Carolina," and it alone was "allowed to receive public maintenance;" but, Locke insisted upon toleration not only of Dissenters, but of Jews and heathen. It was permitted "any seven or more persons agreeing in any religion" to form a church or communion of faith. No compulsion in matters of religion was exercised, except that every inhabitant when seventeen years of age had to declare to which communion he belonged and to be registered in some church; otherwise he stood outside of the protection of the law. All violence toward any religious assembly was strictly prohibited.

"It was not," says Dr. George Jellinek of Heidelberg, "the principle of political liberty that lay on Locke's heart, but the opening of a way to full religious liberty. In spite of the fact that in his treatise 'On Civil Government' there is not a word upon the right of conscience, which he had so energetically defended in his celebrated 'Let-

ters on Toleration,' the constitution of Carolina shows that in his practical plans it held the first place. And so with Locke also liberty of conscience was brought forward as the first and most sacred right overshadowing all others. This philosopher, who held freedom to be man's inalienable gift from nature, established servitude and slavery under the government he organized without hesitation, but religious toleration he carried through with great energy in this new feudal state."

The most peculiar of the clauses relating to religion are those which provided that every person above seventeen years of age should, under penalty of forfeiting the benefit and protection of law, be a member of some church or profession, and of only one at a time; that no one should hold an estate, or even dwell within the province, who did not acknowledge a God, and that He is publicly and solemnly to be worshiped; but this was not to exclude Jews, or heathens, provided seven or more of them agreeing in their persuasion, should form a church and adopt a name to distinguish themselves from others. "No person whatsoever shall disturb, molest, or persecute another for his speculative opinions in religion, or his way of worship."

It is worthy of notice, also, that no law passed by the Parliament could become permanently of force unless ratified by the seals and signatures of the palatine himself and three more of the Lords Proprietors; that no commentaries should be made on the laws or any part of the Fundamental Constitutions; that all laws should expire, without a repeal, at the end of every sixty years; that juries should render their verdicts by a majority of the twelve; that no one should plead another's cause till he had taken an oath in open court that he did not plead for money or reward; that every freeman should "have absolute power and authority over his negro slaves;" that the owners of land, upon any title of grant whatsoever, should, after 1689, pay to the Proprietors an annual rent of a penny an acre; that any alien could become naturalized by subscribing the Fundamental Constitutions; and that no one in the province should be considered a citizen, who did not after seventeen years of age subscribe the same and promise to defend and maintain them to the utmost of his power.

Such was the grand model and favorite plan of the government, which, said the Proprietors in their preamble, we have agreed "to be perpetually established amongst us, unto which we do oblige ourselves, our heirs and successors in the most binding ways that can be devised," and which they also very truly stated to be for "establishing the interest of the Lords Proprietors with equality and without confusion, and that the government of this province may be made most agreeable unto the monarchy under which we live, and of which this province is a part, and that we may avoid erecting a numerous democracy."

The foregoing synopsis gives the reader a clear general idea of the grand scope of Locke's "Fundamental Constitutions," based on old English law and bearing in their body but few principles of government which were, more than a century afterward, to appear in the Declaration of Independence and the National Constitution. When fashioned by the great Englishman, fresh from the study of Harrington, the garment was far too large and complex for the infant province.

#### THE MORE PRACTICABLE "INSTRUCTIONS"

At the time these constitutions had been adopted by the Proprietors, special instructions, based upon them as far as possible, had been written to serve as a temporary government for the Carolina colony.

Guided by these instructions, Governor Sayle had soberly conducted the affairs of the Ashley River colony for about a year, when the state of his health made it necessary to turn the active affairs of its government over to Joseph West. In fact, as early as September, 1670, he was so ill that he made a final disposition of his property, bequeathing his "mansion house and town lot in Albemarle Point" to his son Nathaniel. He died in the following March.

On the fourth of that month, finding his strength rapidly failing, Governor Sayle sent for his Council and nominated Joseph West as his successor. The nomination was approved by that body, and upon the death of the colonial executive shortly afterward Mr. West succeeded him.

The death of the Duke of Albemarle had preceded that of Governor Sayle by a few months. In view of that Proprietor's decease, Lord Ashley writes to West on the 1st of November, 1670, that Lord John Berkeley had succeeded as Lord Palatine. In the meantime other instructions had been sent out by the Proprietors, as well as a set of Temporary Laws, to both of which West fell heir when he became governor. The instructions related particularly to the condition and quantity of stores at Charles Town and traffic between the colony, Bermuda and the Barbadoes; the Temporary Laws were of greater historic interest, especially as applied to the seeds of colonial government. Even the machinery of the temporary laws was too cumbersome to be applied to a little community of 200 or 300 people.

They provided that until "by a sufficient number of inhabitants the Government of Carolina can be administered according to the form established in the Fundamental Constitutions," (a) the Palatine should name the governor and the Lords Proprietors their deputies, who, with the landgraves or cassiques, and the governor, were to constitute the Grand Council; (b) various functions of the chief justice, chancellor, treasurer, high steward, high chamberlain and admiral, were specified; (c) to guard against land monopoly, "in the first taking up of land each proprietor shall have but three seigniories and each landgrave and cassique one barony set out for him, until by the increase of the inhabitants part of seventy-two colonies shall be possessed by the people; (d) lords of baronies and manors were liable to be fined who at the end of seven years did not have thirty persons on the former and fifteen, upon the latter; (e) the operation of all acts to cease at the end of the first session of the Parliament; (f) no Indian to be made a slave, or without his consent carried out of the country; (g) regulations as to the selection of deputies from among the counsellors.

The population of the colony increased but slowly. Mention has been made of the small bodies of colonists brought from the Barbadoes by the Carolina and the John and Thomas in 1671. In August of that year, the Blessing brought several families direct from England, after which she sailed to New York and returned in December with a company from the Dutch settlement of Nova Belgia, which had recently passed under English rule. The ship Phoenix also brought a number of families from the same place. The leader of these newcomers was Michael Smith, with whom a committee of the council was directed to lay off a town to be named James Town.

#### FIRST CAROLINA CENSUS

In the following January (1672), Joseph Dalton, secretary of the colony, thus presents the first South Carolina census to Lord Ashley:

"By our records it appears that 337 men and women, 62 children, or persons under sixteen years of age, is the full number of persons who have arrived in the country in, and since the first fleet out of England to this day, whereof 43 men 2 women and 3 children are dead and 16 absent, so as there now remains 263 men able to bear arms, 69 women, 59 children or persons under 16 years of age."

#### THE MODEL CHARLES TOWN

With the Temporary Laws, a model of a town was sent which was to be regularly laid out and so arranged that all its streets should be commanded by the guns of the fort. Whatever the reason—whether the colonists had advanced too far in the occupation of the lands, or they considered they were better judges of such home affairs than the distant Proprietors—it is certain that this model Charles Town never materialized. Land was occupied without regard to any plan and, in order to accommodate the emigrants who arrived in 1671, the governor and his Council, in the fall and winter of that year, directed the surveyor general to lay out two towns on Stono Creek. But the settlers refused to be thus regulated as to the location of towns, and selected lands as suited their tastes in the Charles Town neighborhood, mainly on the east side of the Ashley River.

#### NEIGHBORHOOD INDIANS THREATEN

This actual building and occupation of the land aroused the opposition of the neighborhood Indians, and their old-time friendliness was replaced by suspicion, threats and thefts. At length in September, 1671, Governor West and the Council declared war on the Kussoes and their confederates, and the two companies raised among the colonists were placed in command of John Godfrey and Thomas Gray, who had come over that year from the Barbadoes. Captain Gray was one of Sir John Yeamans' overseers. Two of the enemy Indians who were in town when hostilities were declared, were seized and placed in custody. As the invading force was raised within a week, the Kussoes were taken completely by surprise. Many of them were captured and ordered, on the 2d of October, to be transported from Carolina, unless the Kussoes who remained sued for peace and paid such ransom for the prisoners as was thought reasonable by the Grand Council.

#### LEGISLATION AT HOME AND ABROAD

Governor West proved to be a man of prompt action and forethought. There was a threatened shortage of provisions, in the winter of 1671, and although they were distributed to the needy, the governor also laid down the law that no head of a family should be entitled to assistance from the public store who had not two acres well planted with corn or peas for every person in his household.

It does not appear, by present-day standards, that the incidents of Governor West's first short administration, are of great importance; but these were the very interesting days of small things from which developed the large; when the incidents were so few that they were all comparatively important. For instance, in October, 1671, acts were passed regulating the fees of the secretary and the marshal, as well as those allowed "viewers" of pipe staves.

We can imagine the acts passed by the Parliament during the

month of December as of vital moment to the Ashley River colonists. They related to: (a) Masters trading with servants, servants with servants, and servants purloining their masters' goods; (b) the respective periods of service of servants coming from England and the Barbadoes; (c) forbidding the retailing of any drink without a license; (d) providing for the speedy payment of debts to the Lords Proprietors, "and (e) at what rates artificers and laborers shall work therein," that is, within the province of Carolina. The last named act—the first in South Carolina and one of the first in America to attempt to regulate wages—happens also to be the first act of the Carolina Parliament to be ratified by the Proprietors in England.

#### LAW SUITS BEFORE COURTS

No courts had been established, the governor and Grand Council being the administrators of justice. But human nature, so prone to self-assertion and litigation, could not wait upon the convenience of bench and bar. And so, on September 9, 1671, the first South Carolina law suit was brought before Governor West and his associates, and John Norton and Original Jackson were allowed the sixteen pieces of cedar timber they claimed from Messrs. Maurice Mathews, Thomas Gray and William Owen, as well as a seventeenth piece which they did not claim. The governor and Council also decided that Robert Donne should receive one bushel of corn from Henry Hughes for work upon the latter's plantation. The judicial body then turned to a more agreeable matter and after giving two servants of John Mave-rick a fine "character," donated to each of them ten acres of land near the town.

In November, a matter in which William Owens was again defendant was referred to the arbitration of Edward Mathews and John Culpepper. Henry Hughes, on the other hand, turns about and becomes complainant against Thomas Screman, who, he alleges, had stolen his turkey cock, valued at "ten pence of lawful money." The defendant was found guilty, and sentenced to receive "nine lashes by a whip on the bare back;" his confederate in the theft, Joseph Oldys, suffered the same punishment, and Robert Donne, who had been elected a member of the Council at Port Royal and afterward a "Captain-lieutenant" in one of the colonial companies, was also found to be a party to the theft. The last named was therefore ordered by the Grand Council to appear in December, at the head of the company, and then and there to have his sword taken from him by the marshal and to be cashiered from his command; all of which illustrates the rather serious complications which may arise from a somewhat insignificant theft.

There are full manuscript journals of the Council in the British archives, many of which have been published, and which the reader may consult for other quaint pictures of those times of small turmoils; but we must hasten to more decisive movements and events.

#### SIR JOHN YEAMANS, ARISTOCRATIC SCHEMER

The consensus of opinion is that West was a straightforward, honorable, hard-working man and governor, and that Sir John Yeamans, his successor, was a self-centered schemer, wielding influence with Lord Ashley and others of prominence on account of his wealth and noble rank. He had abandoned the Cape Fear colony and the last Charles Town expedition, but at some unknown time, while West

was busy getting the colonial household in order, filtered back to Carolina with his Barbadoes slaves and other workmen, built him a residence, commenced getting out timber on the Ashley River and, as we may now say, was industriously "fixing his fences" for future preferment in the country which was now assuredly planted. Sir John was of the aristocratic party, composed of moneyed and titled Englishmen and old, wealthy Barbadoes planters, owners of much land and many slaves. The more modest colonists and the recent comers, instinctively opposed his pretensions and the attitude of his party and, from the first, factions arose which became more bitter and sharply defined as time passed. Sir John was never popular, and became less and less in favor through his persistent efforts to make the colonists do homage to him.

While waiting for gubernatorial lightning to strike him, Sir John busied himself with getting out his cedar timber from the Ashley River region and superintending the transportation of emigrants from the Barbadoes. As early as July, 1671, he had appeared at Charles Town, claiming to be governor, in view of the fact that there was no Lord Proprietor on Carolina soil and that, according to the Constitutions, and all the other laws, as the eldest landgrave he was entitled to the office.

#### MORE OF GOOD GOVERNOR WEST

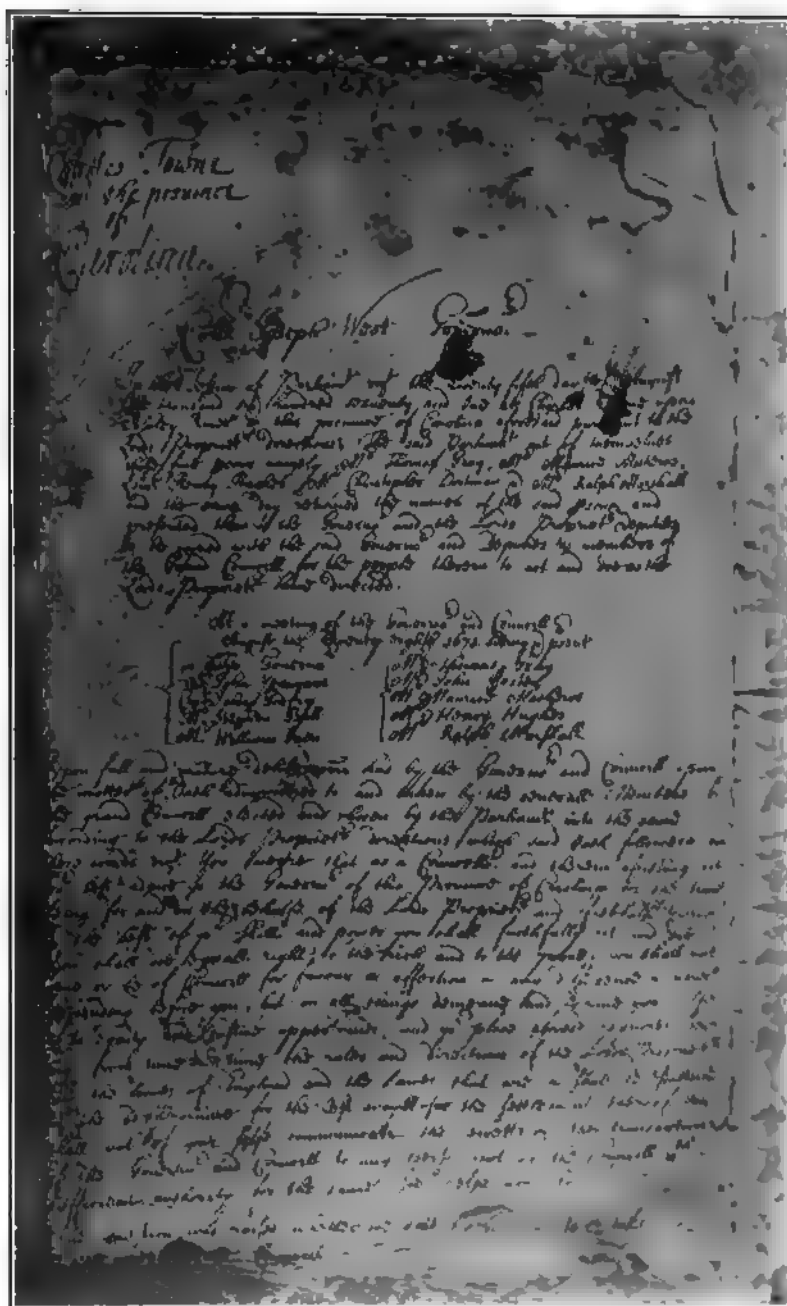
On the 8th of that month West had summoned the freemen of the colony to elect twenty representatives to the Parliament; which was accomplished in three days. Sir John was then chosen speaker; but that was not enough. He claimed the governorship, and insisted that West resign that office and assume the sole duties of his deputyship (to one of the Proprietors). As one of the five constituted deputies had not arrived in Charles Town and another had been suspended, it was necessary, in order to have a quorum, that West should make the third deputy. He himself insisted that he could serve both as deputy and governor, and in the latter capacity dissolved the Parliament. In a letter to Lord Ashley, Governor West writes that Sir John had retired to his country house much disgusted "that the people did not incline to salute him Governor," and that his conduct was much resented by the people, who were beginning to murmur that "Sir John intended to make this a Cape Fear settlement."

On July 13th, West summoned the Parliament to elect five councillors, thereby making it fully representative of the people, as well as of the proprietary and aristocratic elements. It convened on the 25th of August, 1671, the five popular representatives being Thomas Gray, Maurice Mathews, Christopher Portman, Ralph Marshall and Lieut. Henry Hughes. These were presented to the governor and the Lords Proprietors' deputies as members of the Grand Council for the people.

#### LORD ASHLEY, RECEIVER GENERAL OF COMPLAINTS

During this seething period, it seems from the published correspondence that everybody was criticising everybody else, and that the patient, able and diplomatic Lord Ashley was the receiver general of all the complaints and slanders. Through the dust and stir of all these personal and political quarrels it became evident that Sir John, despite his unpopularity, was sustained in his claims for the governorship by both "the Fundamentals" and the Temporary Laws,





DEPUTIES SELECTED AND OATH ADMINISTERED  
(From the Journal of the Grand Council)

Through the courtesy of A. S. Salley, Jr

and the Proprietors issued a commission to him appointing him to that office, August 21, 1671. The paper was not sent until September 18th, and with it, or not long afterward, went letters to Sir John and Deputy West from Lord Ashley, who should be christened, even at this late day, the wise, kindly English "Father of South Carolina." Upon the aristocratic leader he relies for a "firm and industrious" settlement of the government; he addresses Mr. West as his "very affectionate friend," and explains that it was not because of any dissatisfaction with him or his administration that Sir John was made governor, but because the nature of the government "required that a landgrave should be preferred to any commoner."

At this time, as a reward for West's services the Proprietors created him a *cacique*, made him register of writings, and required that not only the titles of the Proprietors, but that all deeds among the colonists should be recorded, as provided by the Fundamental Constitutions; no deed to be good without registry. In America this is a pioneer event in the important matter of publicly recording all conveyances.

#### SIR JOHN STILL CLAIMS GOVERNORSHIP

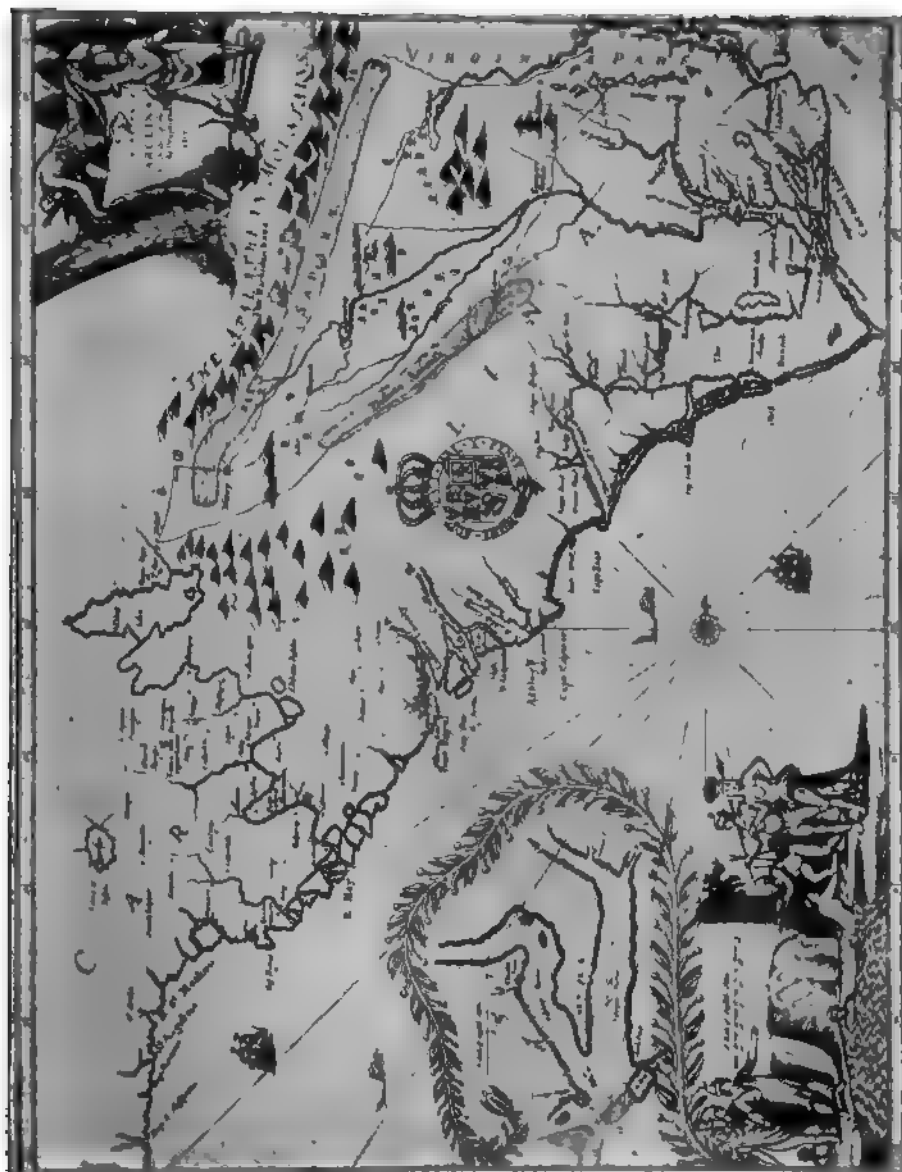
It would seem, however, that as late as December 14, 1671, Sir John had not received his commission as governor from the Proprietors; for, on that day, he appeared before the Grand Council—now really representative—and again claimed the governorship on the grounds previously stated; but that body resolved "that it is not safe or warrantable to remove the government as it is at present until a signal nomination from the Palatine, or further orders or directions be received from the Lords Proprietors."

#### SURVEYOR O'SULLIVAN SUCCEEDED BY CULPEPPER

Soon afterward Capt. Florence O'Sullivan, who had been much criticised as the first surveyor general of the province, was succeeded by John Culpepper. The latter was a friend of Sir John Yeamans and had accompanied him from the Barbadoes. One of Culpepper's first official acts, performed while West was still holding the governorship, was to make a sketch of Charles Town for the Proprietors, giving the locations of lots and other tracts of land taken up by the colonists. In the plat he indicates a tract of 300 acres as "land reserved by Governor & Counsell to be disposed of at their pleasure, I suppose for a minister or governor." Rather indefinite. Further, the Proprietors now had an opportunity to compare the real Charles Town with the "Model Town" they had proposed not long before.

#### A BETTER CHARLES TOWN REQUIRED

But the Proprietors had by no means abandoned their idea of a model provincial capital; for in the letter accompanying Yeamans' commission as governor, Lord Ashley recommended that another port town be laid out on a higher and more healthful site. The "great port town" must be laid out into regular streets. Six-score squares of 300 feet each are suggested, to be divided by streets and alleys; no man to have more than one of these squares for his homestead. The principal thoroughfare should be not less than 100 feet broad, lesser streets not less than sixty and alleys not less than eight.



FAC-SIMILE OF THE EARLIEST MAP OF CAROLINA, AFTER THE SETTLEMENT OF CHARLES TOWN, SHOWING ITS FIRST LOCATION ON THE WEST BANK OF THE ASHLEY, COPIED BY PERMISSION FROM AN ORIGINAL MAP IN THE COLLECTION OF THOMAS ADDIS EMMET, M. D., FOR MAYOR W. A. COURTENAY, CHARLESTON, S. C., 1887.

## SIR JOHN YEAMANS PROCLAIMED GOVERNOR

Later (in December, 1671), the Proprietors sent their instructions to Sir John Yeamans and the Grand Council. By them, they were required to govern by the Fundamental Constitutions, temporary laws and instructions previously sent, and, in case of difference, those of latest date should be followed. Finally, nothing should be debated or voted in the Parliament "but what is proposed by the Council."

By the following spring, Sir John's governorship had obviously been made secure; with his commission and instructions from the Proprietors, all doubly secured by the letters of Lord Ashley, their acknowledged spokesman, his installation could not be longer deferred. On the 19th of April, 1672, he was therefore proclaimed as governor at Charles Town, and an order issued to "dissolve all Parliaments and parliamentary connections heretofore had or made in this province." Looking to that end, all the freemen in the colony were summoned to assemble on the 20th to elect a new Parliament. Twenty members were chosen on that day and they selected from their number, as representatives of the Grand Council, Stephen Bull, Christopher Portman, Richard Conant, Ralph Marshall and John Robinson. The deputies of that body were Colonel West, Capt. Thomas Gray, Capt. John Godfrey, Maurice Mathews and William Owens.

The first acts of the new administration were directed to the accurate survey and recording of the lands hitherto granted to the settlers, with a view to the more definite claims of quit rent and the introduction of more of the provisions of the Fundamental Constitutions. These important measures were delegated to Surveyor General Culpepper and Register West. Stricter regulations were ordained against leaving the colony, directed evidently at absconding debtors. Those who desired to leave were obliged to post their names in the secretary's office; and if anyone objected to their departure, he was to write his name within three weeks, beneath the names so posted. The reasons for his objection were heard in council before permission of leave could be obtained. The period for advertising such notice of departure from the province was afterward extended to six weeks.

It was also resolved by the Parliament that, for the better safety of the settlement, the governor should live in town. This was a direct notice to Sir John that he was expected to give the bulk of his time to affairs of state, and not devote so much of it to the interests which centered in his country place.

The following acts were proposed by Parliament: For the uniform building of Charles Town; for building a bridge in the southern part of the town; an additional measure against fugitive persons or absentees without license; against selling or disposing of arms or ammunition to the Indians.

In accord with the first named proposition, the old town on the Ashley was laid out anew and a redistribution of lots was made on the 22d of July, 1672. A fort had been completed there a couple of months before, and an attempt was obviously being made to revamp the place along the lines of the "Model Town."

## NEW CHARLES TOWN ON OYSTER POINT

But the attempt came too late, for two days previously (July 20th) Governor Yeamans, backed by his Council, issued an order to Surveyor General John Culpepper, directing him to lay out a town on Oyster Point; on the opposite side of the Ashley River, beyond the unhealth-

ful marshes which surrounded the Charles Town of Albemarle Point, on a high, dry and sanitary site, as compared with the old. Specifically, the surveyor was directed to plat the town on the 150 acres of land on Oyster Point, donated for that purpose in the preceding February by Henry Hughes and John Coming, adding what was necessary to that property to make a convenient site. Mr. Hughes' land was retained and thus became a part of the present Charleston; Mr. Coming's was released, although the land to the south of the town retained the name of Coming's Point. The new Charles Town thus laid off extended as far west as the present Meeting Street, north to Broad and south to Water.

#### SERIOUS CHARGES AGAINST SIR JOHN

In the meantime, trouble was brewing for Sir John, as he was no more than fairly seated in the governor's chair than letters arrived in England written by his opponents among the colonists telling how he had claimed the office, under the Fundamentals, but before receiving his appointment from the Proprietors; that, in fact, he had been too grasping. Lord Ashley (now the Earl of Shaftesbury) gave heed to such complaints, and in one of his masterly letters of admonition "expressed some fear of his management of the government" and "his too forward conduct in grasping at the government when he first arrived in Carolina," as well as "his endeavors since to diminish the authority of certain deputies who had power to represent the Proprietors."

Other more serious grounds of complaint against the governor were laid before the Proprietors through correspondence. It was charged that while the settlers could scarcely raise sufficient provisions for their own consumption, he was buying up the produce of the colony and exporting it at great gain to the Barbadoes. The colonists were deeply in debt to the Proprietors, who not only objected to sending them further aid, but were niggardly in regard to furnishing the means of defense to protect their very lives. It was a season fertile of complaints from all sides.

In June, 1672, a new set of Temporary Laws was promulgated by the Proprietors, but the most expert examiner has not yet been able to determine wherein they were an improvement over the former, or wherein the two materially differed.

#### THE AGRARIAN LAWS

The so-called Agrarian laws, published at about the same time, were twenty-three in number, and "are concerned entirely with the interests of the Proprietors and nobility, and the proportionate settlement of their landed estates. The preamble again announces the principle of the former laws in these words: 'The whole foundation of the government is settled upon a right and equal distribution of the land.' One-fifth of all the land is secured to the Proprietors, one fifth to the nobility, and the rest to the people. Not because the people were eager to appropriate more than their share of the boundless forests at the outskirts of which they were toiling for subsistence, but that the Proprietors and their constituted aristocracy might be sure of a permanent and preponderating power in the colonial administration."

A close examination of the twenty-three sections covering the Agrarian Laws reveal the fact that about a third of them relate to the people, thus:

"The Collonys that are appropriated to the people shall be planted on as the increase of the people shall spread the Plantation.

"At the first there shall be twelve Countys thus sett out, and twelve Landgraves and twenty-four Cassiques created, nor shall any more Landgraves or Cassiques be created till the increase of people hath extended the plantation beyond the said twelve Countys, and then as soone as a New County begins in any part to be planted, there shall be twelve more Landgraves, and fower and twenty Cassiques created, and in this manner shall they proceed till ye whole Province be planted.

"In ye more Inland parts, remote from Navigable Rivers, the fourty Squares constituting a County, shall be laid as closely and compactly together as may be, and be marked & appropriated eight of them for Signiorys, eight of them for Barronys, And ye remaining twenty-four for Collonys by direction of ye grand Councell.

"The people shall plant in Townes wch are to be laid out into large, straight & regular streets, and sufficient roome left for a Wharfe if it be upon a Navigable River.

"There shall be but one Port Towne upon any Navigable River for the first thirty yeares after the beginning to plant on the said River.

"The Governour and any three more of our Deputys shall, upon his respective demand give their Warrant to the Surveyor Gennerall to sett out to every man such land as by our Concessions he hath a right to, and in such portions and manner as in our fundamentall constitutions Temporary Laws & Instructions is provided.

"All originall Grants of Land shall be signed by none but our Deputys, And the Governor and any three or more of our Deputys signeing and sealing it wth. the seale of the Pallatinate, shall make a good title, the deed being enrolled in the Register's office."

Thus, under the Agrarian laws, the Proprietors and their agents, the deputies, landgraves and caciques, who handled the capital and the chief material power, could gather in the square miles of land by herding a designated number of followers upon them, while the people and their colonies were hedged about by many barriers, the most difficult to overcome being lack of means to expand. But the Agrarian laws were never adopted by the Parliament; no effort was made to seriously enforce them; so that they are rather matters of historic curiosity than of practical consideration.

#### TRoubles MULTIPLY FOR GOVERNOR YEAMANS

As Sir John Yeamans's administration neared its close, complications and troubles multiplied. He could not even depend upon the loyalty of the officials under him. At the time when the colonists were anticipating an invasion from the Spaniards of St. Augustine, Culpepper, the surveyor general, and his predecessor, O'Sullivan, are said to have fomented a disturbance at Charles Town, which threatened to develop into civil war; so bitter was the opposition to the administration. It is reported that O'Sullivan, who had been placed in charge of the cannon on the island which now bears his name, in order to alarm the town in case of the appearance off the bar of any of the Spanish ships, being desperately short of provisions, deserted his charge and joined with Culpepper in the Charles Town disturbance. As he was considered the more culpable offender of the two, he was arrested by the marshal for sedition and required to give security for his good conduct.



The apprehensions of an attack by the Spaniards were not without foundation. For a long time St. Augustine had been a favorite asylum for English servants of Charles Town and Port Royal who deserted their masters. Sometimes they were captured by Indians sent in pursuit of them and severely punished; at other times they reached St. Augustine and spread tales among the Spaniards of shortage of provisions in the English settlements, civil disturbances, etc. But it was left for one Brian Fitzpatrick, "a noted villain," to desert to the Spaniards at this time, and inform them of the distressed condition of the settlers. An attacking party was immediately sent from the Spanish garrison and took post at St. Helena Island, near Port Royal, but on the approach of Colonel Godfrey and fifty volunteers the Spaniards returned to St. Augustine to await a more favorable opportunity to carry out their design.

Soon afterward the Proprietors' ship arrived with provisions and general stores, and prospects looked brighter. There had never been danger of actual starvation—Storekeeper West's management had prevented such a calamity—although, at times, there had been a shortage. It was more the civil and political conditions which aggravated and alarmed the colonists than physical suffering; and they finally came to believe that Sir John Yeamans was the source of all their worst miseries, and that Joseph West was the only one who could lead them from bondage.

#### WEST HONORED AND AGAIN COMMISSIONED GOVERNOR

This popular view was finally adopted by the Proprietors. As West was only a cacique on May 18, 1674, they appointed him a landgrave, thereby elevating him from his former rank as a commoner and conforming to their gubernatorial standard. With his commission as governor bearing that date, they commended his fidelity and prudence at all times and pronounced him "the fittest man for their trust."

In their criticism of Sir John they referred to his extravagant plans for expenditures at their expense, and his insinuations that they "had dealt ill with the colonists because they would not continue to feed and clothe them without promise of returns." The Proprietors admitted that they had put a stop to the supplies, on the ground that the colonists were imposing on them. They added that they were so thoroughly convinced that the shortage of provisions was "not the fault of the soil" that "some of the Proprietors were going to settle a plantation in Edisto at their own individual charges."\*

The situation had been too much for Sir John Yeamans who, already in feeble health, had retired to his Barbadoes estate, where he died in August, 1674.

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\* This attempt was made in 1674, during the first part of West's administration, under the governorship of Andrew Percival, but failed; probably because it was too near the unfriendly Indians and too far withdrawn from the protection of the stronger Ashley River settlements.



## CHAPTER V

### EIGHT YEARS' ADMINISTRATION OF GOVERNOR WEST (1674-1682)

Hardly had West commenced his administration before steps were taken, at the supposed behest of the Earl of Shaftesbury, to colonize further into the interior, between Port Royal and Charles Town. The Edisto, or Ashepoo River, was considered the backbone of a favorable region for this attempt. As mentioned, the scheme was a private one and was supported by only a few of the Proprietors.

#### FAILURE OF THE PERCIVAL COLONY

A plantation was accordingly laid out on both sides of that river, and Andrew Percival, who afterward figured considerably in the political affairs of the province, was commissioned its governor. The center of the new colony was named Locke Island—prima facie evidence of the handiwork and head-work of the Earl of Shaftesbury and his philosophical friend and indispensable agent. Notwithstanding which, the enterprise was a failure, and was formally abandoned in June, 1675, when Percival was appointed register of Berkeley County "and the parts adjoining."

#### DR. HENRY WOODWARD'S INTERIOR EXPLORATIONS

But the penetration of the country inland was by no means abandoned, and a correlated attempt to establish friendly and commercial relations with the Indians, who were still holding aloof, also originated in the fertile mind and the practical enterprise of the noble Shaftesbury and his able private secretary. At his individual expense, the earl engaged Dr. Henry Woodward to explore the country of the Westoes and Cussatoes, make treaties of peace and friendship with them and enter into trade relations with them. The doctor's inducement to facilitate the last named part of his mission was one-fifth of "the clear profit."

Those who have followed the varied and remarkable career of Woodward will realize that he was admirably fitted for the mission. He had remained among the Indians long enough, after being left with them by Sandford in the Port Royal region, to become familiar with their language. Until he was captured by the Spaniards, the natives had treated him with the greatest consideration and they were already his friends. It has been noted how he was restored to the colony in August, 1669. In the following spring, when it was planted on the Ashley River, "he at once became extremely useful as an interpreter and as a friend to the Indians, procuring corn and other provisions from them for the settlers and making treaties with them. At the instance of Governor Yeamans, he went by land to Virginia in 1671, and made extended expeditions into the interior in search of precious metals. The Proprietors soon realized his value and commended the discoveries made 'by his industry and hazard.'"

## THE WOODWARD NARRATIVE

Doctor Woodward undertook his mission to the Westo Indians, while the plantation under Percival was still uncertain, although its failure was probably assured. He made his report to Shaftesbury in December, 1674, in the form of a letter, which is so graphic and interesting it is reproduced, as follows: \*

"Carolina: Decbr. 31:1674

"RIGHT HONO(bl)

"Having received notice at Charles Towne from Mr. Percyvall that strange Indians were arrived at Yr Ldshps Plantation, Immediately I went up in the yawle, where I found according to my former conjecture in all probability that they were the Westoes not understanding ought of their speech, resolving nevertheless (they having first bartered their truck) to venture up into the maine wth them. The tenth of Octber being Saturday in the afternoon I accordingly set forth, the weather raw and drizzling, they being ten of them and my selfe in Company. We travelled the remaining part of that afternoon West and by North thorough Yr Ldships land towards the head of Ashley River, passing divers tracks of excellent oake and Hickory land, with divers spacious Savanas, seeming to the best of my judgement good Pastorage. As we travelled this day I saw (as divers other times likewise in my journey) w(h)ere these Indians had drawne upon trees (the barks being hewed away) the effgies of a bever, a man on horseback and guns, Intimating thereby as I suppose, their desire for freindship, and comerse with us. The weather continuuing wett wee tooke up our quarters, haveing steered exactly by compass from St. Giles Plantation according to the fore named Course. The Indian being diligent in makeing two bark-covered Hutts, to shelter us from the injury of the weather, this night as well as the afternoone proved tedious, having had soe large a vacation from my travels, the diet before almost naturalized now seemed unpleasant, and the ground altogether was uneasy for lodginge.

"Soe soon as the day appeared wee set forth steering West and by South. After wee had passed the head of Ashley River I found the land indifferently good. In the afternoon wee entered a large tracke of Pines, which continued untill wee came within two or three miles of that part of Edistaw River where wee crossed over. The land seemeth fertyl along the banks of this River, whose head they report to bee about four score mile up in the main from the part wee passed, being then twenty mile or something more distant from where divideing himselfe he makes the pleasant plantn of Aedistawe. Here killing a large buck wee tooke up our rendezvouze wth two mile of the river, glad of the opportunity of lying in two of their hunting hutts. Uppon Monday morning four of the company went to give notice of our coming. Wee following steered West S. West, the land Piny except along the skirts of small revulets, many of which wee passed this day. The weather all over cast. This evening wee provided shelyer, the night proveing extreame wett. Wee supped wth two fatt Turkeys to helpe out wth our parcht corne flower broth. The following day proveing as bad as the night, wee forsooke not the benefitt of our hutts. Uppon Wednesday morneing wee sett forth, nothing at all baryng our former course. This day wee had a sight of Aedistawe River bearing north west by north of us, the soyle very promiseing, and in some

\* Foot notes by A. S. Salley, Jr., secretary South Carolina Historical Commission, in his "Narratives."

places excellently timbered. In the afternoon we shott a fatt doe which, proportionably divided amongst us, was carried along by them for our better comons at night, quartering along the sides of a pleasant run.

"Thursday wee tooke our journey dew West, passing many large pastorable Savanas, the other land promising very well. This day wee shott two Bucks. The best of both wth a fatt Turkey wee carried along wth us, for our better accommodation at night. Fryday wee traveled West and by South, haveing towards three the afternoon a sight of the mountains, which bore northwest of us, passing the head of Port Royall river over a tree, where the river intricately runs through large vallies of excellent land, at the begining of the adjoyning Hills, along whose banks in a mighty thicke wood wee tooke up our Quarters. The ensuing day wee went over many fattigious hills, the land especially the vallies being excellent good, our course West a little Southwardly. In the afternoon wee mett two Indians wth their fowling peeces, sent by their cheife to congratulate my arrivale into their parts, who himselfe awaited my comeing wth divers others at the Westoe River. The ridge of hills through which the river runs then being in sight bore West and by North. The banks of this river seeme like white chalky cliffs and are at least one hundred foot perpendicular, opposite to which banks upon a sandy poynt were two or three hutts under whose shelter was their cheife wth divers others in his company. The two Indians wee met had a canoe ready to pass us over, where soe soon as wee landed, I was carried to the Capts hutt, who courteously entertained mee wth a good repast of those things they counte rarietys amonge them. The river here being very deep wth a silent current trended North and by West and South and by East nearest. Soe soone as the raine ceased wee sett upp the fertyle banks of this spatious river.

"Haveing paddled about a league upp wee came in sight of the Westoe towne, alias the Hickauhaugau which stands uppon a poynt of the river (which is undoubtedly the river May<sup>1</sup>) uppon the Western side soe that the river encompasseth two-thirds thereof. When we came within sight of the towne I fired my fowling peece and pistol wch was answered with a hollow and immediately thereuppon they gave mee a vollew of fifty or sixty small arms. Here was a concourse of some hundred of Indians, drest up in their anticke fighting garbe. Through the midst of whom being conducted to their cheiftaines house, the which not being capable to contain the crowd that came to see me, the smaller fry got up and uncovered the top of the house to satisfy their curiosity. The cheife of the Indians made long speeches intimateing their own strength (and as I judged their desire of freindship wth us). This night first haveing oyled my eyes and joynts with beares oyl, they presented me divers deare skins, setting befoore mee sufficient of their food to satisfy at least half a dozen of their own appetites. Here takeing my first nights repose, the next day I veiued the Towne, which is built in a confused maner, consisting of many long houses whose sides and tops are both artifticially done wth barke, uppon the tops of most whereof fastened to the ends of long poles hang the locks of haire of Indians that they have slaine. The inland side of the towne being duble Pallisadoed, and that part which fronts the river haveing only a single one. Under whose steep banks seldomly less than one hundred faire conoes ready upon all occasions. They are well provided with arms, amunition, tradeing cloath and other

<sup>1</sup> The Savannah River was then known as the May, The Westoe town stood on the west side of the river, some distance above the site of Augusta, Georgia.

trade from the northward for which at set times of the year they truck drest deare skins furs<sup>2</sup> and young Indian Slaves.

"In ten daies time that I tarried here I viewed the adjacent part of the Country. They are Seated uppon a most fruitfull soyl. The earth is intermingled with a sparkling substance like Antimony, finding severall flakes of Isinglass in the paths. The soales of my Indian shooes in which I travelled glistened like sylver.<sup>3</sup> The clay of which their pots and pipes are made is intermingled wth the like substance. The wood land is abounding wth various sorts of very large straite timber. Eight daies journey from the towne the River hath its first falls West N. West, where it divides it selfe into three branches<sup>4</sup>, amongst which dividing branches inhabit the Cowatoo<sup>5</sup> and Chorakae<sup>6</sup> Indians wth whom they are at continual warrs. Forty miles distant from the towne northward they say lye the head of Aedistaw river being a great meer or lake.<sup>7</sup> Two days before my departure arrived two Savana Indians living as they said twenty days journey West Southwardly from them.<sup>8</sup> There was none here that understood them, but by signs they intreated friendship of the Westoes, showeing that the Cussetaws, Checaws and Shiokees<sup>9</sup> were intended to come downe and fight the Westoes. At which news they expeditiously repaired their pallisadoes, keeping watch all night. In the time of my abode here they gave me a young Indian boy taken from the falls of the River. The Savana Indians brought Spanish beeds and other trade as presents, makeing signes that they had commerce wth white people like unto mee, whom (sic) were not good. These they civilly treated and dismissed before my departure. Ten of them prepared to accompany mee in my journey home, returning by the same ways that I came, killing much game wth two large she beares uppon the way through much rain the fresshes being mightly encreased. The 5th of Novbr wee our selves carrying our trade upon barke logs swam over Aedistaw River and the 6th of that instant in safety I arrived at yor Honrs Plantation at the Head of Ashley River. For good reasons I permitted them not to enter yr Plantation, but very well satisfied dispatcht them homewards that evening, whom I againe expect in March wth deare skins, furs and younge slaves.

"In this relation as in all things else I am

"yo Loshipps ffaithfull Servant

"HENRY WOODWARD.

<sup>2</sup> This trade was soon diverted to Charles Town and that town developed into very nearly, if not quite, the richest and most important trade center on the American continent.

<sup>3</sup> Mica scales. Their silvery appearance gave the name Silver Bluff to a well-known point on the Savannah River in Aiken County, South Carolina.

<sup>4</sup> The Salwege, Tugaloo, and Seneca rivers. The main stream of the Seneca is known higher up as the Keowee and the main stream of the Tugaloo as the Chatooga.

<sup>5</sup> Caoutitas, or Cowetas, a Muscogee tribe settled on the Salwege 1674-1691, retiring in the latter year to the Ocmulgee and in 1715 to the Chattahoochee.

<sup>6</sup> The Cherokees, who inhabited that section of South Carolina until the termination of the Revolutionary war.

<sup>7</sup> The headwaters of the Edisto are east or southeast of this point and there is nothing like a lake there.

<sup>8</sup> Near the Gulf, west of Appalachicola River. By 1680 they had advanced to the Savannah and soon pushed the Westo tribe out of the province. They were good friends of the English. In 1708, says Governor Archdale, they had three towns (near Sand Bar Ferry) and 150 men, but in 1715 they retired to the Creeks.

<sup>9</sup> The Cusitaws lived about the heads of the Oconee and Salwege rivers; the Chickasaws below Muscle Shoals on the Tennessee River and the Keyokees above.

"Discovery. A faithful relation of My Westoe voiage begun from the head of Ashley River the tenth of Octr and finished the sixth of Novbr ffollowing. (Endorsed by Locke): Carolina. H. Woodward. To the E. of Shaftesbury 31 Dec. 74."

#### BARNWELL'S SKETCH OF DR. WOODWARD

Hon. Joseph W. Barnwell has contributed a valuable and striking chapter to South Carolina biography and history in his sketch of Henry Woodward, and the genealogical record of the family founded by the versatile, able and adventuresome surgeon. The article was published originally in the South Carolina Historical and Genealogical Magazine for January, 1907. After his visit to the Westoes, Dr. Woodward appears to have retired, or been retired, into the background. It is said, in McCrady's history, that "he was evidently not a favorite of Governor West, during whose administration he appears to have been convicted of some misdemeanor by the Grand Council and condemned to pay £100; a part of which he paid and left the province. The Proprietors, however, pardoned him and again, on the 23d of May, 1682, commissioned him to return to Carolina and make further explorations. There is no account of his subsequent career."

On the other hand, Mr. Barnwell says: "No (public?) mention of him has been found after the quarrel in 1685 between the officials of the Province, at Charles Town, and Lord Cardross, the head of the Scotch colony then settled at Port Royal. He was born about 1646, the date of his death is not known, but it was sometime between 1686 and 1690, as he wrote a letter to his father-in-law in March, 1686, and the latter's will, made in March, 1690, shows that he was then dead. He married Mrs. Mary Browne, widow of Robert Browne and daughter of Col. John Godfrey and his wife Mary."

It is not infrequently remarked, with sarcasm and impatience, when a man poses on the strength of his ancestry, that the only noted thing about him is "what he came from." In Dr. Woodward's case, the most remarkable feature of his genealogy is the army of able men who descended from him and contributed so copiously to the development of South Carolina. Nothing more need be said in this connection, than to quote from Mr. Barnwell's paper:

"It is always interesting in the course of genealogical research to note, or at least fancy that one notes, the descent of certain qualities from a distinguished progenitor to his remote descendants. Certainly Dr. Woodward was distinguished for capacity, vigor and daring, and it might be reasonably expected that some of these qualities would descend. Whether such has been the case or not, can best be determined by an examination of the records, showing how many of his descendants are known to have distinguished themselves in the various ranks of life.

"The most distinguished are as follows:

"Three Governors of South Carolina: John Mathews, 1782-1783, Robert Yonge Hayne, 1832-1834, and our present \* Governor, Duncan Clinch Heyward, 1903-1907.

"Four Senators in the Congress of the United States: Robert Yonge Hayne, Arthur Peronneau Hayne, Robert Woodward Barnwell and Robert Barnwell Rhett.

"Six Representatives in the Congress of the United States: Rob-

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\* Written in 1907.

ert Barnwell; Robert Woodward Barnwell, his son; Robert Barnwell Rhett, William Ferguson Colcock, William Hayne Perry, and William Elliott. General John Barnwell was also elected to Congress, but declined to serve.

"Four Judges: John Mathews and Chancellor Richard Hutson, of South Carolina; Robert Yonge Hayne, of California, and Henry Stuart Elliott, of the State of Washington.

"Three Attorneys General of South Carolina: Robert Y. Hayne, R. Barnwell Rhett and Isaac William Hayne.

"Two Generals: John Barnwell, of the Revolutionary war, and Stephen Elliott, of the Confederate war.

"Four Colonels in the Confederate war: Stephen Elliott, Daniel Heyward Hamilton, Charles Jones Colcock, and Alfred Rhett.

"Two Commanders of Fort Sumter during the Confederate War: Col. Alfred Rhett and Maj. Stephen Elliott.

"The most distinguished naval officer from this State, Commodore Duncan Nathaniel Ingraham.

"Four Bishops: Stephen Elliott, of Georgia, Robert Barnwell Elliott, of Western Texas, William J. Boone, the second, of China, and Robert Woodward Barnwell, of Alabama.

"The most distinguished clergyman of the Baptist Church prior to 1860, the Rev. Richard Fuller, of Baltimore.

"One of the most distinguished poets of South Carolina, Paul Hamilton Hayne.

"One of the few millionaires whom the State has produced and one of the few rich men who have left legacies for public purposes, the late James S. Gibbes.

"The most distinguished merchant whom the South has produced in the cotton business, Franklin Brevard Hayne, of New Orleans.

"Three Presidents of Colleges: Robert Woodward Barnwell, of the South Carolina College, William Peronneau Finley, of the Charleston College, and J. Ford Prioleau, Dean of the Medical College of the State of South Carolina.

"The most distinguished editor in the State up to the Confederate War, John A. Stuart, of The Charleston Mercury, and the late N. G. Gonzales, of The (Columbia) State, were from the same stock.

"In 'Adam's Dictionary of American Authors', published in 1901, the names of 115 authors are given who were born in this State, and of these nine or nearly one-twelfth are descended from the first settler. They are as follows: Stephen Elliott, the naturalist; William Elliott, the author of Carolina Sports; Sarah Barnwell Elliott, the novelist; Rev. Richard Fuller, the Rev. James Hazzard Cuthbert, Rev. Charles Cotesworth Pinckney, Paul Hamilton Hayne, Charles Woodward Hutson, and William Hamilton Hayne.

"Besides these, there are given in 'Alibone's Dictionary of Authors' and the supplement to that work, the names of Bishop Stephen Elliott, Robert Y. Hayne, Sr., and Robert Y. Hayne, Jr., Prof. Lewis R. Gibbes, and William Hayne Simmons. It may safely be said, therefore, that the Woodward stock has contributed to literature one-tenth of the authors born in this State, who have been considered worthy of mention.

"One of the most distinguished physicians of Charleston, lately deceased, Robert Barnwell Rhett, Jr., was also from this stock.

"It is to be doubted whether any other immigrant to this State or to any other State in the United States can be shown to have as many distinguished descendants."

The fourteenth day of July 1702  
present the  
Governour

Lieut Col Jeffrey Mr Samuel West  
Capt Robert Mr John Smith  
Capt Matthew Mr Robert Brown  
Mr Stephen Bush Mr James Mason  
Mr Andrew Russell

Consideration being this day had to have and for the peace and safety  
of this settlement from y<sup>e</sup> danger and attempts of y<sup>e</sup> Indians  
called y<sup>e</sup> Westoes who of late an unwarrantable way for arms and other for parts  
and find out the way manner and strength of the settlement. How if they  
be incouraged to doe and permitted to understand any piece of our power  
consequence for punishment whereof. It is therefore ordered that  
if any of the nation of the Indians happen at any time hereafter to  
arrive upon the borders of this settlement either by the way of  
the River the Plantation of Mr James Brownell, or the Plantation  
of Capt William Wilkey managed by Mr James Moore or by the way of  
Swamp where the three Indians are held, that the said Mr Brown  
and y<sup>e</sup> said Mr Moore as the said Westoes shall happen to come to them  
shall take them or pass through their plantations and take care to let  
them know that they are not to proceed further into the settlement  
nor pretence to make any attempt to y<sup>e</sup> settlement. till they have  
given satisfaction for the blood and murder of the two English  
Indians. But if that they desire for the discharge of their  
of a peace and quiet fashion as aforesaid; then the Governour and  
council are directed to appoint certain persons to that end  
to meet at Mr Brownells house and confer with the  
of their people or other persons to upon such time as shall  
be appointed or thought fit by the Governour and Council

COUNCIL TAKES MEASURES AGAINST THE WESTOES  
(From the Journal of the Grand Council)

Through the courtesy of A. S. Salley, Jr.

## THE WESTOES

There was good reason for Dr. Woodward's trip of exploration and pacification, as the Westoes were the most powerful Indians between Charles Town and the Savannah River, and since July, 1672, had been seriously threatening the Ashley River settlements. They continued in that attitude for a number of years. As they will not hereafter appear in these pages, their final disposition may be traced, though we forestall the orderly narrative.

Notwithstanding the treaty effected by the Proprietors through Woodward, in 1677, the Westoes were still ready for strife. At the close of 1678 it was necessary for the Council to order that none of the friendly Indians should guide them to the settlement, and that their approaching the English habitations should be at their peril. Their restless nature brought them in conflict with other Indians, and though Governor West concluded a treaty with them, by which they agreed not to molest the feeble tribes in the vicinity of the settlement, they violated it, as they had the former treaty, and captured and sold to the planters as many of their neighbors as they could. The Grand Council in June, 1680, sent Captain William Fuller and John Smith to visit the different plantations, and bring all such captive slaves to the Ashley to be set at liberty, in accordance with the previous instructions of the Proprietors and their own honor as protectors of the friendly tribes. At length the Westoes, after a bloody war with the Savannas, or Yemasses, who lived on the Savannah River, were vanquished and driven from their territory.

## PIONEER QUAKERS OF SOUTH CAROLINA

While the colony on the Edisto was still being fathered by the Earl of Shaftesbury, the first Quakers were sent to South Carolina to settle there. The patron of St. Giles plantation, centering in Locke Island, wrote to his manager, or governor, Percival, in June, 1675, to the effect that he was sending on several families "of those who are called Quakers," who were but "the harbingers of a greater number to follow." He adds: "'Tis their purpose to take up a whole Colony for themselves and their Friends here. They promised me to build a town of 30 houses. I have writ to the governor and Council about them and directed to set them out 12,000 acres. I would have you be very kind to them, and give them all the assistance you can in the choice of a place or anything else that may conduce to their convenient settlement, for they are people I have a great regard to and am obliged to care of." The letter which Shaftesbury wrote to the Council directing the grant made the donation of the colonial lands conditional on building a town of thirty houses, containing at least 100 inhabitants, within five years. The Friends undoubtedly came, but there is nothing in the records to indicate that they built a town according to the rules laid down by the Earl of Shaftesbury.

Like the emigrants from New York who founded James Town, most of the Friends preferred to settle at Charles Town where they were assured of the best protection possible in those times. It was not until several years afterward that the colony on the Ashley received an important accession of settlers. They were the "harbinger" of that small but influential French Protestant element which was incorporated, to such lasting advantage, into the population of South Carolina.



## FIRST COLONIES OF FRENCH HUGUENOTS

In October, 1679, the Committee of Trade and Plantations sitting in London, to whom was referred all American colonial matters, granted the petition of Rene Petit, the royal agent at Rouen, Normandy, and Jacob Guérard, Gentleman, to transport the first colony of French Huguenots to South Carolina. In December, the Lords Proprietors wrote to the governor and Council recommending them to their care, especially as they were skilled in the manufacture of silk and the cultivation of the olive and the vine. On November 16, 1680, Jacob Guérard received a grant of 4,000 acres of land. The first of the French refugees, numbering about forty-five, arrived on the frigate Richmond, Captain Dunbar commanding, probably in the spring of 1680.

According to the statute of the General Assembly of South Carolina, May 1, 1691, King Charles "was pleased in the year 1680 for the encouragement of a Manufacture of silk oyle and wine to send in one of his own ships of War several French Protestants into this Country to inhabit and dwell in the same and their posterity after them."

Unfortunately, it is claimed that the eggs of the silkworm, which the new colonists had brought with them, were hatched at sea; for want of food the worms died; and thus was frustrated the intention of erecting a "manufactory of silk" in the colony. As Rivers says: "The transportation of native vines had already been begun by the settlers, whose vineyards contained also, through the gift of some of the Proprietors, 'the noblest and excellentest vines of Europe.'" Olive trees from the West Indies grew in the soil of the province. But the improved cultivation of these products expected from the experience of the French was not realized.

The Hon. H. A. M. Smith in 1917\* prepared an article, based upon careful and prolonged research, which would seem to disprove the conclusions of Howe, McCrady, Bancroft, Simms, Vedder and Shipp, all of whom had followed the early historians Chalmers and Ramsey as to the earliest Huguenot emigrations to South Carolina. Judge Smith concludes from the data he has examined that "the French immigrants in 1680 came in but one ship, the Richmond; that they numbered in all but forty-five; that they were the first French to arrive in the colony, and were brought to forward the colony's agriculture." The great bulk of the French emigration was after the Revocation of the Edict of Nantes in 1685. As late as March, 1698-99 the entire number of French persons in the province was 438—as estimated by Peter Gerard, a Huguenot merchant in Charles Town. The entire white population of the province at the same period is estimated at 5,500.

## CAROLINA'S ADVANTAGES

Although great privations incident to the settlement of a new county necessarily existed, they were not comparable to those endured and overcome by many of the colonies in the bleak countries and cold climes of the North. The increase of the live stock in Carolina, notwithstanding the Proprietors had cut off the English supply, is illustrative. As a rule, the winters were mild and the climate so genial that

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\* Vide The South Carolina Historical and Genealogical Magazine, July, 1917.

the cattle, hogs and sheep roamed at large, grazing at will and were remarkably prolific. The result was such an extraordinary natural increase that seven years after the live stock ceased to be sent from England, there were thousands of head in the province. Not only did the colonists have an abundant supply themselves, but exported quantities of salted meats to the Barbadoes, Jamaica and the West Indies. Carolina was also the ideal country for negroes; therefore, for cheap labor.

Furthermore, living was cheap. Wholesome bread was made from Indian corn. The rivers and the sea furnished fish and oysters, and the woods wild game. All the large planters had Indian hunters in their employ, and their tables were loaded with venison and game of all kinds.

#### MORE COMMERCIAL THAN AGRICULTURAL

But in the early '80s of the seventeenth century, Carolina was more a commercial than an agricultural province. The Indian trade had become quite an important item, and the colonists exported to England large quantities of skins and furs, as well as cedar. To Barbadoes, Jamaica and the Caribbean Islands went provisions, tar, pitch and clapboards, in exchange for sugar, rum, molasses and ginger. In spite of the provision in the Fundamentals that Indians should not be enslaved, it is known that, with the consent of the Proprietors, the trade in Indian slaves furnished the planters of the West Indies was considerable. The Proprietors justified themselves by that measure of the international law of their day which made prisoners of war and captives the absolute property of the conquerors.

Whatever the nature of the Carolina commerce, the exchange of commodities was still with England and her island possessions and had little to do with the North American colonies. The province, as it increased in strength, was more than ever a buffer between the English continental possessions and the Spanish and French territories of the south and the southwest.

#### THE CHARLES TOWN OF 1680

On the same ship (the Richmond) which brought the first of the French Huguenots to South Carolina, was a special agent of His Majesty, Thomas Ash. He went out as clerk of the ship, with orders to "get at the truth" of affairs and conditions "over there." Mr. Ash remained two years in the province, and in 1682, upon his return to London, published his "Description," which was enthusiastic, not to say highly colored. He runs up and down the Natural History scale, but for us of today the chief interest of his account lies in his picture of the Charles Town of 1680, which he thus draws:

"The Town is regularly laid out into large and capacious streets, which to Buildings is a great Ornament and Beauty. In it they have reserved convenient places for Building of a Church, Town House and other publick Structures, an Artillery Ground for the Exercise of their Militia, and Wharfs for the Convenience of their Trade and Shipping. At our being there was judged in the Country 1000 or 1200 Souls; but the great Numbers of Families from England, Ireland, Barbadoes, Jamaica, and the Caribees, which daily Transport themselves thither, have more than doubled that Number. The Commodities of the Country as yet proper for England, are Furr and Cedar: For Barbadoes, Jamaica and the Caribee Islands, Provisions, Pitch,

Tarr and Clapboard, for which they have in exchange Sugar, Rumm, Melasses and Ginger, &c. such things which are proper and requisite for the Planter to be stored with before he leaves England for his better Settlement there at his Arrival, chiefly Servants: All kind of Iron Work for the clearing of land, pruning of Vines, for the Kitchen and for building, Commodities proper for the Merchant to Transport thither for his Advantage, Cloathing of all kinds, both Linnen and Woolen, Hats, Stockings, Shoes; all kinds of Ammunition, Guns, Fowling-pieces, Powder, Match, Bullet, Nails, Locks, and Knives; all Haberdashers Ware: Cordage and sails for Shipping, Spirits and Spices, viz. Cloves, Nutmegs and Cinnamon. Finally, to encourage People to Transport themselves thither, the Lords Proprietors give unto all Masters and Mistresses of Families to their Children, Men-Servants and Maid-servants, if above Sixteen years of age, fifty to all such under forty Acres of land to be held forever, annually paying a peny an Acre to the Lords Proprietors to commence in 2 Years after it's survey'd."

#### ST. PHILIP'S CHURCH, CHARLES TOWN

There have been many speculations as to when and where the first church in South Carolina was built. It is supposed that provision was made for one in the plat of the old town of Charles Town, and it is known that in the plan of the new town a place was reserved for the building of a church, in anticipation of the coming of a clergyman, Atkin Williamson. Thomas Ash mentions no church in Charles Town, though he does mention the reservation of a site for one, and it is supposed that the first St. Philip's edifice, built of black cypress on the present site of St. Michael's, corner of Broad and Meeting streets, was erected about 1681 or 1682.

#### LAST OF GOVERNOR WEST'S ADMINISTRATION

It is claimed, at least, that St. Philip's Church was built during Governor West's administration, which terminated in 1682, as the chief executive was distinguished for his piety, as well as for his justice, valor and moderation; but such good qualities were not to keep him in office. In the last parliament convened during his long administration, acts were passed for the observance of the Lord's day, and for the suppression of idleness, drunkenness and profanity. Besides these efforts for promoting the morality of the people, the close of his administration was marked by the passage of laws for regulating the militia of the province, and for making highways from the new town at Oyster Point through the forests that stretched into the interior.

About a week before Governor West's removal—May 10, 1682—the Proprietors announced several additions and alterations as to the Fundamental Constitutions. They did so, they explained, at the request of several eminent people who proposed to settle in Carolina. The amendments were modifications, giving more authority to the popular parliament in the making of the laws, at the same time making the Grand Council more independent of the Palatine Court, or the Proprietors of England. They were also modified to meet the views of influential nonconformists who proposed to settle in Carolina. But as the original Fundamentals had never been submitted to the people for consideration and adoption, so these modifications of May

had been created by the Proprietors as if the people were not in existence. Neither were therefore recognized.

#### CAROLINA DIVIDED INTO THREE COUNTIES

With the Modifications, came an order from the Lords dividing the province into three counties. Berkeley embraced Charles Town, and extended from Sewee on the north to Stono Creek on the south; extending inland for thirty-five miles from the seacoast were Craven County to the north and Colleton County to the south. At this time, Craven County was so sparsely settled that Berkeley and Colleton really covered all of the province which was politically organized. With the making of this division, a county court was directed to be established at Charles Town for the convenience of all; judicial matters thus being taken from the jurisdiction of the Grand Council.

#### DISSENTERS EMIGRATE FROM ENGLAND

The last portion of Governor West's administration had been marked by a large emigration of dissenters from England to the Carolina settlements, among the most prominent leaders in that movement being Benjamin Blake, brother of the great Admiral, Daniel Axtell and Joseph Morton, the last named afterward marrying Blake's daughter. It is said that through the exertions and encouragement of Messrs. Morton and Axtell 500 persons of this class arrived in Carolina in less than a month. In acknowledgment of their services, with those of a similar nature performed by Thomas Colleton, of the Barbadoes, these three had been made landgraves by the Proprietors in 1681.

It was this large emigration of dissenters which the Proprietors attempted to encourage by making some of the Fundamental Constitutions more liberal and democratic, and it seems probable that the commissioning of Joseph Morton as governor to succeed West on May 18, 1682, was also in line with the policy of openly recognizing the element which had become so influential in the affairs of the Ashley River colony. The excuse given by the Proprietors for the displacement of Governor West, however, was that he had dealt in Indian slaves purchased by the planters from neighboring tribes, and had opposed their policies.

#### MAKING SLAVES OF INDIAN CAPTIVES

On this point, Professor Rivers has made such well-considered comments that they are reproduced. He says: "No objection was made to keeping them (the Indians) as slaves in the province. It was not slavery in any shape that was displeasing to the Proprietors. Their own Fundamental Constitutions embraced a provision for the introduction of slavery, with unlimited power in the matter, before the first settlement of South Carolina. It was their favorite, Sir John Yeamans, who first brought hither African slaves, and English vessels long continued to offer them for sale to the American colonies. No cargo of them was sold in Carolina, the money for which did not fill the pockets of the British or New England adventurers.

"It was the Proprietors themselves who at first 'gave the privilege' (to use their own language) of selling Indian captives from Carolina to the West India islands, as the cheapest means of 'encouraging the soldiers' of their infant colony. But it was also their early policy to

bring the Indian nations within their jurisdiction; and especially after taking the trade into their own hands, their interests being more blended with the peace and friendship of the natives, they undertook to protect them to a certain extent, and in 1683 sent out instructions which forbade their transportation without a license from the Parliament.

"If this be not the true exposition of their motives, it will be much more difficult to reconcile their policy with any principle of benevolence while they continued to encourage the indiscriminate expatriation of men, women and children from the coast of Africa, and disseminated the promise that 'every freeman of Carolina shall have absolute power and authority over his negro slaves.' If Governor West had endeavored under these circumstances to oppose the sending away from the feeble colony of troublesome and dangerous slaves, there were so many of the principal citizens and deputies engaged in the practice and irritated by the attempted monopoly of the Indian trade, that his opposition would have been as ill-timed as were the inconsistent efforts of the Proprietors after his removal from office."

## CHAPTER VI

### THE MORTON AND WEST ADMINISTRATIONS (1682-1686)

With the succession of Joseph Morton to the governorship in May, 1682, commenced a seething period in the history of the province of Carolina. Within four years five governors went in and out. Fundamental Constitutions, Temporary Laws and Instructions were tossed back and forth between the Proprietors and the colonists until neither side knew where it stood; the Spaniards ravaged the Port Royal region, which they had always claimed; there was a fierce attack against piracy all along the line, and the two governors, Morton and West, who were the strongest personal forces of this period of stress and storm, were alternately at the head of public affairs. West, a discouraged pacifist, disappeared from South Carolina history.

#### THE CARDROSS SCOTCH COLONY

In November, 1682, the Lords Proprietors informed Governor Morton that they had entered into an agreement with various prominent Scots of the mother country to plant a colony in Carolina under the leadership of Henry, Lord Cardross, who, with his wife, was of noble stock. Lord Cardross and more than thirty other Scotchmen and Englishmen of more or less blue blood had entered into bonds with the Proprietors to settle a county in the neighborhood of Port Royal, embracing thirty plats, or colonies of 12,000 acres each. The fame of that section of the province had been spread abroad for many years, and as the Proprietors undertook to treat with the Indians and obtain a clear title to the lands the Scotch colonists felt no uneasiness as to the safety of life and property. The Lords Proprietors selected Governor Morton and Maurice Mathews to receive and take possession of all lands sold for the purpose mentioned. But Lord Henry and his fellow Scots unfortunately overlooked the proximity of the jealous Spaniards at St. Augustine, who had never relinquished their claims to Port Royal and its neighborhood.

The Cardross colony was to be independent of the Charles Town government, and be on an equality with it. Its leaders, with about ten families, landed in 1683, and founded a settlement called Stuart's Town, probably in honor of Lady Cardross, who was a daughter of Sir James Stuart. On account of the terrible persecutions suffered by the Scots in their "ain countree," and the asylum offered them by the Lords Proprietors, the belief was that several thousands would emigrate to the Port Royal neighborhood. So confident were they that the Scotch colony would be large, flourishing and strong that they acceded to the solicitations of the Scots that they be made independent of the Ashley River government. To be specific, the estimate was that fully 10,000 people would settle at or near Port Royal. Alterations were also made in the Fundamental Constitutions to encourage the project. There was therefore friction at the first between the two

colonies, which rapidly developed political jealousies. Although their condition was preferable to that of the Scots who had been banished to Carolina as rebels, the colonists at Port Royal, weak in numbers and viewed as pariahs by most of the Charles Town people, were surely to be pitied.

#### TWO SHORT, COLORLESS ADMINISTRATIONS

Governor Morton's first administration was only of a few months' duration, being concluded in April, 1684. His home and interests were in Colleton County, on the Edisto, and it was doubtless through his influence and the insistence of his special supporters in that section of the province, that the Proprietors directed that the county named should be represented equally in the Parliament with Berkeley. It is not known whether he had received instructions to that effect when he convened that body in September, 1683. These orders carried with them the additional instruction that two elections for the twenty members of Parliament should be held on the same day at Charles Town, for Berkeley County, and at London (afterward Wilton), for Colleton.

Although that arrangement was a convenience, it met with opposition from the Berkeley County people on the ground that Colleton County, which was still but sparsely settled, should not have the same representation as the former which carried the great majority of colonists. Another point, and the really important consideration, was that the voters had not been consulted by the Proprietors, according to the provisions of the several charters granted by the crown, which secured to the freemen in the province the right to participate in the formation of the government.

On the 3d of September the Proprietors had written to the governor to the effect that if their instructions had not arrived in time to have the elections under the new ruling, the Parliament should be dissolved. Whatever the circumstances, it is evident that the members had been selected as usual, for on the 30th of September he was peremptorily ordered to dissolve the popular house.

In the meantime, the Parliament had offended the Proprietors in other ways than in the matter of the elections. Among other acts it had passed was that for protecting the colonists against prosecution for debts contracted out of the colony. This, particularly, the Proprietors viewed with abhorrence, "as stopping the course of justice, as against the king's honor and repugnant to the laws of England." Astonished that their deputies should assent to such a law, they ordered that "all officers should be displaced who had promoted it." They claimed power to do such arbitrary acts under the Fundamental Constitutions and their Temporary Laws and Instructions, to be in force until the Fundamentals could be put in practice. But they sadly misjudged the temper of the people. when, in March, 1784, they wrote to Governor Morton in this strain: "Are you to govern the people, or the people you?" We of this day would have no difficulty in answering.

Believing that a governor not so closely identified with the people and their interests would be more tractable, the Proprietors made Sir Richard Kyrle of Ireland, a landgrave, and appointed him governor of Carolina, to succeed Morton in April, 1684. In his instructions he received the usual assurances of confidence in his abilities to untangle all the snarls, and he was especially cautioned against the Spaniards and advised to put the province in a state of defence. But Sir Richard

did not live long enough to be tested, his death occurring in the late summer, or autumn, within six months after his arrival. During his short and colorless administration there was a considerable emigration movement from Ireland, which soon mingled with the mass of the inhabitants of Charles Town.

#### "OLD RELIABLE" WEST ELECTED

Upon the death of Kyrle, the Grand Council obeyed its instructions to choose a governor, in such event, by electing Joseph West, the Carolina "Old Reliable." He happened to be out of the province at the time and, in pursuance of the recommendation of the Lords Proprietors, the council selected Robert Quarry. Although the Proprietors afterward wrote to that body that Morton should have been elected, under the strict interpretation of the Fundamentals, the selection stood, and Quarry, who subsequently became one of the most prominent men in the American colonies, began his short, critical and much criticised administration of Carolina affairs.

#### QUARRY'S MUCH CRITICISED ADMINISTRATION

The chief causes which brought Quarry's administration to a close was the charge that he harbored pirates and his undoubted ill-treatment of the Scotch colony under Lord Cardross. The problem of how best to deal with piracy on the high seas was one with which the English had wrestled for centuries, the great difficulty being to draw the line between unjustifiable robbery and the preying upon enemy commerce. There was also a subdivision of the latter limb of the problem, as the Spaniards, even when England was not formally and internationally at war with them, were always considered hereditary enemies who might, at any moment, declare hostilities in fact.

#### ENGLISH SHIPMEN AND AUTHORITIES REBEL AGAINST PIRACY

The pirates of the Spanish main, whether English, French or Spanish, had extended their operations to the mainlands of both the Carolinas. Preying against the commerce of Spain was always the chief excuse for English piracy, and considerable sympathy has been extended by respectable historians for the friendship evinced by some of the colonists for these freebooters. The latter also spent money with a lavish hand, which was so to the liking of the colonists that some of them may, as a "matter of business," have overlooked many of their irregularities. But, after a time, the English shipowners, who controlled most of the ocean trade, commenced to be heard. Masters came into London with tales of outrages suffered at the hands of pirates fitted out from Carolina, and complaints were even heard in the counting houses of the provincial capital itself.

"By the beginning of the year 1684," says Hughson in his *Carolina Pirates and Colonial Commerce*, "the complaints began to assume some definite shape and to be heard from persons whose position and influence commanded attention. Sir Thomas Lynch, governor of Jamaica, filed an information with the Lords of the Committee for Trade and Plantations regarding the depredations of the pirates, and in February of this year the attention of the government was directed to 'the great damage that does arise in His Majesty's service by harboring and encouraging pirates in Carolina.'

"As soon as the subject was considered by the English authorities, the Jamaica law against piracy was, by order of the king, sent to



Carolina, with instructions that it be promulgated as a statute of the province. The government also complained to the Lords Proprietors, which called forth a reply from Lord Craven, the Palatine, in which he resented the charges made by Lynch in quite a spirited tone. He knew, he said, of no flagrant cases, such as had been charged. One pirate had come into Carolina some time before, but had been convicted with two of his crew, and hanged in chains at the entrance of the port; 'and there hang to this day for an example to others.' He had had the Jamaica law promulgated, however, and hoped that there would be no further cause for complaint."

But while the war between France and Spain was being fought on the high seas, during 1684, privateers were sent out from Carolina, and their commissions, illegal as they were, were but cloaks for the baldest piracies. Charles II, really anxious to preserve a neutrality with the belligerents, caused an order to be sent to Carolina forbidding even the fitting out of privateers.

#### GOVERNOR QUARRY DEFENDS HIMSELF

Soon after Quarry became governor, in September, 1684, an armed vessel came into the Ashley, which pretended to have been trading with the Spaniards. The governor claimed that he had prohibited its landing or the sale of the goods aboard, having received information that it was a piratical vessel. The colonists charged that the contrary was the fact.

#### RETURN OF LORD CARDROSS TO ENGLAND

In the meantime, overcome by the heat of the summer and prostrate with sickness, Lord Cardross was summoned to appear before the Grand Council for usurpation of power in the province. He wrote a very courteous letter, but represented that the state of his health prevented him from coming. Other difficulties disturbed the little colony at Port Royal, or Stuart's Town. Wina and Antoni, two noted Indians, were busy fomenting hostilities among the tribes in the vicinity against the harassed Scots, and the Spaniards at St. Augustine, who had been posted as to the weakness of the colony, were laying their plans to attack it. And all the material defense which Lord Cardross had been able to secure comprised the "promise" of six pieces of cannon lying unmounted at old Charles Town. Amidst such discouraging circumstances, the leader of the colony returned to Scotland to participate in the political revolution then at hand.

#### QUARRY DISMISSED FROM OFFICE

Robert Quarry had never been commissioned as governor by the Proprietors, so that when they dismissed him from office, in the spring of 1685, they write of him as "a person by us ordered to be put out from being Secretary (of the province) for receiving of pirates whilst he acted as governor (without any authority from us) and other his Misdemeanors while he was Secretary." There are evidences that among Quarry's misdemeanors were his acts of aggression against the Scotch colonists of Port Royal, and their leader, Lord Cardross.

#### ESTABLISHMENT OF DIFFERENT DENOMINATIONS

It is probable that during Quarry's administration the Baptists established themselves in Carolina. William Screven, of Somerset,

England, emigrated to America in 1681 and settled in what was then the province of Maine. He was esteemed as a man and a citizen, but his baptismal views were not in accord with those which prevailed, and his case was brought before the court at Kittery, where he had settled. In the following year he went to Boston, where he was ordained to the Baptist ministry, and attempted to organize a church of that faith at home. His efforts landed him in jail, and he was released only upon his promise to depart from the province without unnecessary delay. His movements toward that end did not seem to have been prompt enough to satisfy the demands of the authorities, and in the fall of 1683 the Baptist Company, which had been organized for a year to move to "some other place," still lingered at Kittery.

In May, 1684, Mr. Screven was summoned to appear before the General Assembly of the Province of Maine during the following month; and then he disappeared from the records, and presumably from the province. The next heard of him was as head of the Baptist settlement called Somerton, on the Cooper River not far from Charleston. It is known that Screven came to Maine about the time that Blake, Axtell and Morton, leaders of the English dissenters, arrived in Carolina, and that fact may have some connection with the location of the Baptist colony near Charles Town. An additional evidence of this probability is that after most of the Baptists had "moved to town," still under the pastorate of Mr. Screven, both Mrs. Blake and Lady Axtell, her mother, became members of his congregation.

Unfortunately there are few reliable data as to the exact time the various "sects" were established in South Carolina. "Guessing in the dark," the Hon. H. A. M. Smith is of opinion that "the Congregationalists followed close after the Church of England; then the Huguenots; then the Baptists, and then the Quakers." Dr. Barnet A. Elzas finds Jews in South Carolina in 1695.

#### JOSEPH WEST AGAIN GOVERNOR

Joseph West did not assume the active duties of the governorship until September, 1684, two years after he had resigned the office to Morton; and their last administrations were to be full of action. As stated, West was to disappear from Carolina history. The Spaniards were to obliterate the Scotch colony at Port Royal; there was to be a decisive uprising against a new set of Fundamentals; a royal revenue officer was to be installed at Charles Town to enforce the customs and navigation laws of England, and another attempt was to be made by the Throne to stamp out piracy.

#### POLITICAL TROUBLES MULTIPLY

At the time that West assumed office the difficulties of political affairs had greatly increased, according to Rivers, and all the supporting documentary evidence. The choice of members of Parliament, as directed by the Proprietors, was still warmly opposed by the inhabitants of Berkeley County, whose leaders, Maurice Mathews, James Moore and Arthur Middleton, were displaced from the council for sending away Indian slaves.

Governor West had also to meet the bitter opposition of the colonists against the Proprietors' interference with what they had supposed were definite titles to their lands. In the first Fundamental Constitutions and the Agrarian laws it had been declared that lands should be held for the rent of a penny an acre, "or the value thereof,"

which provisions formed a chief inducement for many to emigrate to Carolina. Now it was declared that lands should be held only by indentures, in which the phrase "or the value thereof," was stricken out, and a reservation added of re-entry on failure of paying the quit-rent. This operated to the injury of many who had settled at an early period, and who from poverty or other circumstances, had not taken out an official conveyance of the land to which they were entitled. To the reasonable request that, as money was scarce, the rents might be paid in merchantable produce, the Lords Proprietors replied "We insist to sell our lands our own way."

Popular opposition was further incited by their instructions to Governor West, repealing all former orders and temporary laws and demanding that the third Fundamental Constitutions, promulgated in January, 1682, be put into practice.

#### GOVERNOR WEST RETIRES, DISHEARTENED

The members in the Grand Council, who represented the people, filed a protest against these instructions which so peremptorily changed the government of the colony. Had the Proprietors evinced any disposition to compromise, and West been permitted to settle the disputes with the wisdom and tact for which he was distinguished, the good governor would probably not have been completely disheartened, as he was, and would not forever have retired from the public affairs of the province. Nothing is known of his subsequent career, and the only record of his private affairs is gleaned in the one sentence taken from Oldmixon's Carolina, written in 1708, which reads: "We must now take a view of Ashley river, where we first met (sic) with Mr. Landgrave West's plantation on one side, and Col. Gibb's on the other." It is not even known that Mr. Landgrave West then resided on his Ashley River plantation, but from a brief note recorded in the Public Record Office, London, it is learned that he left the province after his last administration as governor.

#### COMMONERS REFUSE TO SIGN 1682 "FUNDAMENTALS"

The Council chose Joseph Morton to succeed West, and in September, 1685, the Proprietors sent his commission as governor. The Parliament, which convened in November, consisted of eight deputies and twenty commoners, one of the popular representatives being absent. The eight deputies, representing the Proprietors, were Governor Morton, Robert Quarry (ex-governor), John Godfrey, Paul Grimball, Stephen Bull, Joseph Morton, Jr., John Farr and William Dunlop. Carrying out the instructions to his predecessor, Governor Morton at once called on the members of Parliament to subscribe to the Fundamentals of 1682. Twelve of the nineteen commoners refused, because they had already subscribed to those of July, 1669.

Whereupon the governor ordered them to quit the House; which they did, under protest. The remaining seven, with the eight deputies, enacted all the laws passed at that session of Parliament. These were but four: To restrain and punish privateers; an act for the better security of the province against Spanish attacks; to revive several acts which had expired; fixing the register's fees for recording births, marriages and burials. Those of significance related to piracy and "the better security of the province."

## KING JAMES MOVES AGAINST PIRACY

It was during West's administration, in February, 1685, that James was "joyfully" proclaimed at Charles Town, as successor to the deceased Charles II. As soon as James ascended the throne of England, he directed an act to be passed by the provincial Parliament of Carolina for the suppressing and punishing of privateers and pirates, and the royal order was carried out, as has been seen during the session which convened in November of that year.

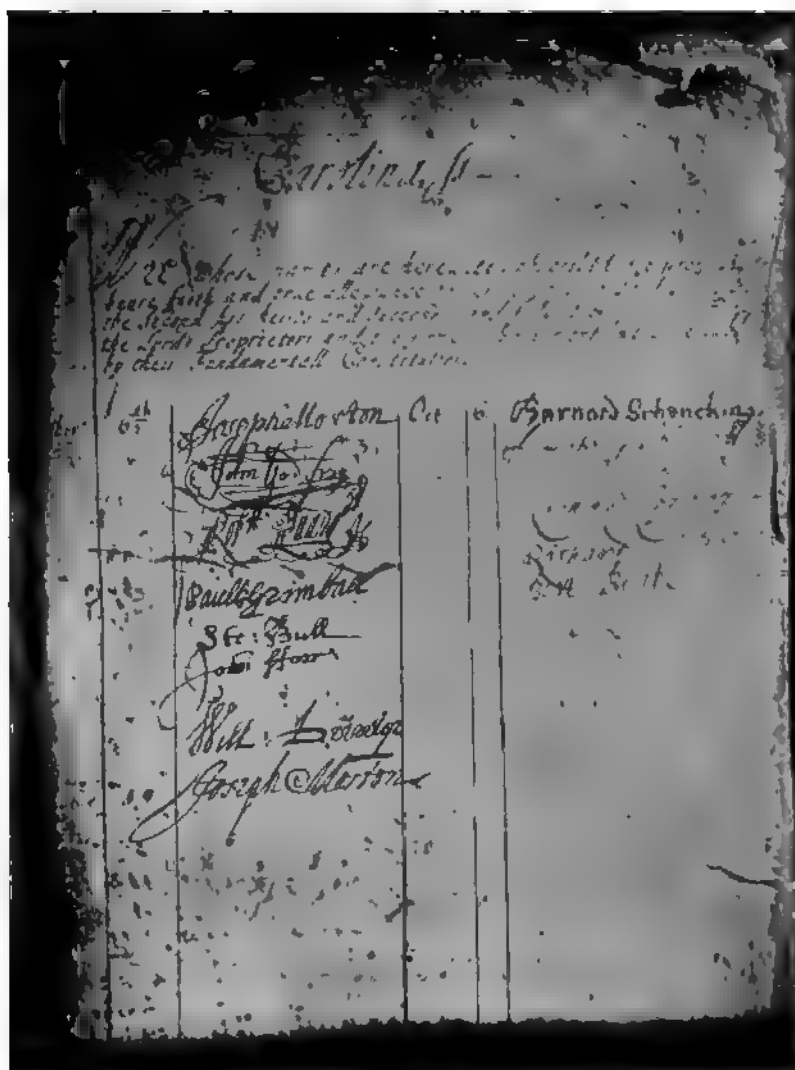
In furtherance of this policy the king also appointed a collector of the royal revenue, who arrived at Charleston in 1685, in the person of George Muschamp. As to his specific duties, the governor and Council were ordered "not to fail to shew their forwardness in assisting in the collection of the duty on tobacco transported to other colonies; in seizing ships that presumed to trade contrary to the acts of navigation." It will be remembered that, contrary to the expectations of the Proprietors, the Carolinas had not supplied England with olives or capers, but Carolina, especially the northern province, raised tobacco which was carried by New England traders to Virginia or the northern colonies. These acts of navigation so bound the commerce of the British colonies and provinces to the authority of the mother country as to greatly restrict and harass it; in fact, the colonists conducted much of their trade without reference to the "acts of navigation." There was one particularly offensive, which prescribed that the master and three-fourths of the mariners of every vessel importing goods into England, or into any of its dependencies, should be English subjects; and it was this very law which the king's collector had come to enforce in the Ashley River colony.

## COLONISTS CLASH WITH ROYALTY

As the colonists still insisted that the fundamental basis of their rights was the royal charter of 1666, which antedated the navigation acts against which they protested, they continued to trade and to man their ships as they pleased. One result of their rebellion was that Collector Muschamp seized a vessel because three-fourths of its crew were Scotchmen. Then irritated by the decision of the court against him, and the "pretensions" of the people, he sent his complaints to the commissions of the customs in England, and asked that they be referred to the attorney general for his decision. The outcome of the matter overseas was that the king instructed that official to issue two warrants against the Carolina charters, which he proposed to revoke and bring his rebellious subjects directly under the royal authority. That step, however, was not to be taken until more than thirty years afterward.

## THE SPANISH MENACE AGAIN

The act of Parliament to provide for the better security of the province against Spanish invasion had special reference to the defence of the Scotch colony at Port Royal; but such precautions were only provided in legislative measures and in no way to ward off Spanish attacks. Even the request to use the old cannon at Charles Town had not been granted until the Proprietors, in November, 1685, ordered that they be delivered to Alexander Dunlop, sheriff of Port Royal, or Lord Cardross. About this time, the latter was leaving the province and the colony, in disgust at the treatment which he and his people had received.



THE OATH OF ALLEGIANCE (1685)  
(From the Journal of the Grand Council)

Through the courtesy of A. S. Salley, Jr.

[illegible]

James D. Moore  
1790

4728-2727022

... - 4000

1000

1941-1942

2000

1890

*[Handwritten signature]*

11/11/11

20th May 1945

Robert

10-11-58

1900

100

John P. Jones

10/11/1919

100

25-26-27-28

100

72-127-1012

1947

From the first of these

*[Signature]*

*W. J. Burroughs*

*[Illegible handwritten signature]*

11. *Chrysomelidae*

—

But while the colony was still defenseless, the Spaniards struck their blow. Although the exact date of their appearance on the Edisto is not in evidence, the parliamentary records show that it must have been sometime before the middle of October, 1686. The force comprised Spaniards, negroes and Indians who came in three "galleys." Landing on the Edisto, they broke open the houses of Governor Morton and Mr. Grimbald, secretary of the province, who were at Charles Town, and pillaged them to the value of £3,000 sterling, carrying off the money, plate and thirteen slaves of the governor and murdering his brother-in-law.

#### SCOTCH COLONY OBLITERATED

The attack was then turned against the Scotch settlers at Port Royal, who had but twenty-five men in health to oppose the invaders. The Spaniards killed some and whipped others in a barbarous manner, and plundered and utterly destroyed the settlement. The few who escaped found refuge in Charles Town and joined the Presbyterians of the provincial capital.

#### PROPOSED ST. AUGUSTINE EXPEDITION WITHDRAWN

Although it was too late to repair the ravages of property and life suffered by the unfortunate Scots, the Spanish outrage perpetrated while the governments of England and Spain were friendly, had the effect of uniting the colonists against the "national enemy" and blotting out all party strife. On October, 1686, Governor Morton summoned the Parliament, and an act was passed for raising a force to immediately sail for St. Augustine and invade Spanish territory. An assessment of £500 was made, and all the powers of the Grand Council were vested temporarily in the governor and any four of the councillors. Soon two vessels were fitted out and 400 men well armed in readiness to start on the expedition.

#### GOVERNOR JAMES COLLETON ARRIVES

But these warlike measures undertaken, as the colonists conceived, in the line of strict justice, were suddenly blocked by the arrival from the Barbadoes of James Colleton, son of Sir John and brother of the Proprietor, Sir Peter. He had been created a landgrave and commissioned governor in the preceding August. He threatened to hang the colonists if they persisted in their project of making war "upon the king's allies without his knowledge or consent," and they reluctantly and indignantly returned ashore.

Colleton's course was thus commended by the Lords Proprietors: "We are glad that you have stopped the expedition against St. Augustine. If it had proceeded, Mr. Morton, Colonel Godfrey and others might have answered it with their lives."

## CHAPTER VII

### STILL PEOPLE VS. PROPRIETORS (1686-1694)

As has been stated, several considerations prompted the Proprietors to force the withdrawal of the St. Augustine expedition, chief of which was their determination to deny the right of the colonists to commit acts of war on their own initiative and to prevent them from breaking the peace with Spain at that time. In Colleton, they saw a ready tool to their hands, or, as the matter was put by Chalmers in his *Political Annals*, they expected "much from his talents, but more from his attachments." As to his talents, history may judge of them from the record; close attachment to his patrons was undoubted.

#### SPAIN DIPLOMATICALLY QUESTIONED

While the Proprietors refused to ratify the acts of the Parliament for the investment of St. Augustine, they wished the colonists to be prepared to defend themselves. They addressed a diplomatic letter ("civil letter," it is called in the record) to the governor at St. Augustine, inquiring by what authority he had acted. As was to be expected, since Spain had no desire for war with England at that time, he declared that the invasion was made quite without his orders; but despite this denial, he refused to surrender the slaves taken in the raid without an order from His Majesty, the king of Spain. An additional cause of bitterness was his partial justification of the Spanish invasion on the ground that the colonists had harbored pirates to prey upon the commerce of Spain, a friendly nation.

Although a new Spanish governor was sent to St. Augustine, and payment was made for the plunder actually carried away (minus the slaves, at work on the Spanish fortifications), and the incident thus diplomatically closed, the colonists bitterly complained against the conduct both of the Proprietors and their governor. Colleton had closed out the incident without even consulting the people's representatives, except when he had asked money from the public treasury to pay the expenses of the friar who had been sent by the new governor to arrange for the payment of the plunder and various commercial matters.

The spirit of rebellion thus continuously nurtured by the ruling powers was perhaps somewhat placated by the legislation enacted with the encouragement of the governor and the deputies, for the better protection of the province. In January, 1687, a measure was passed for raising a store of powder by levying a duty of half a pound of it for every ton according to the registered tonnage of all vessels arriving in the province. Galleys were built and beacons placed from the Edisto and Westoe rivers to Charles Town.

Colleton had built himself a fine mansion in Charles Town, had been voted by the Parliament an ampler support than had been enjoyed by former governors. He was entitled because of his title to



48,000 acres of land, and, being assured of the good will of the Proprietors through the influence of his brother, no doubt he anticipated solid satisfaction with the new home to which he had brought his family. But he failed to take into account the typical English spirit of independence, and the stubborn assertion of what were believed to be legitimate rights; and a popular rebellion which was to wreck all his plans was coming to a head.

#### GOVERNOR COLLETON QUARRELS WITH HOME PARLIAMENT

Governor Colleton had a definite break with the Parliament in July, 1687, and up to that time the acts which were passed related chiefly to commercial, financial and trade regulations. The last act passed by both the Grand Council and the popular Parliament was dated the 23d of that month. Afterward, until October, 1690, there was a dead-lock between the two legislative bodies, the upper house basing its action on the Fundamental Constitutions and the commoners upon the royal charters.

According to Rivers and all documentary evidence, it appears that in 1687 a committee, consisting of the Governor, Paul Grimball and William Dunlop, deputies, and Bernking, Thomas Smith, John Farr and Joseph Blake, commoners, were appointed to examine the Fundamental Constitutions, with the hope that such alterations might be effected as to make them acceptable to both the Proprietors and the people. "The work grew voluminous suddenly," states a letter written to Seth Sothell, later governor, and was afterward abandoned amidst angry dissensions, the people still recurring to the set of Fundamentals sent out with Governor Sayle in 1669. At length Colleton, "in some passion," produced in Parliament (February, 1688), a letter from the Proprietors, dated March 3, 1687, in which they "utterly denied the Fundamental Constitutions of July, 1669, declaring them to be but a copy of an imperfect original." But since the delegates of the people had never assented to any set, they unanimously declared that "the government is now to be directed and managed wholly and solely according to the said charters." Taking another forward step, they "denied that any bill must necessarily pass the Grand Council before it be read in Parliament; and did proffer, for the maintenance of peace and justice, to assent to and approve of any law for that end, to be made according to the directions and commands in the said royal charters."

#### CAROLINA'S PARLIAMENT SUSPENDED

During two sessions of Parliament all legislative proceedings were defeated, even including the militia act which was necessary for the safety of the colony; for Governor Colleton and the deputies insisted on proceeding according to the Fundamental Constitutions by having all bills first pass the Grand Council. Finally in December, 1689, the Proprietors instructed Colleton to call no more parliaments in Carolina, unless some very extraordinary occasion should require it. As the acts were usually in operation for twenty-three months, according to law, it followed that in 1690 not one statute was actually of force in the province of Carolina.

#### RENEWED EFFORTS TO SUPPRESS PIRACY

It was during the earlier portion of the Colleton administration that the British government revived its activities against piracy and

alleged violations of the revenue laws. In April, 1687, in the midst of the St. Augustine complications, the royal collector at Charles Town seized a vessel on the ground that four-fifths of its crew were Scotchmen, instead of Englishmen. The provincial court again decided against him, on the old ground that the Carolina charter, the basis of their rights of unrestricted commerce, preceded the current navigation laws. Without going into the fine points of the dispute, it is enough to say that both the attorney general and the Proprietors assumed a rather superior air, nicely conveying the implication that it was "a small matter over which it is unseemly to wrangle."

As to bald piracy, this from Hughson is pertinent: "One of the first acts of Colleton's administration was the expulsion of John Boone from the Council for holding correspondence with pirates. He had special instructions regarding the suppression of piracy, and in every way he did his best to stamp out the evil, but only with partial success. Finally the situation became so serious that the home government was compelled to take some decisive action. Accordingly in (August) 1687, King James commissioned Sir Robert Holmes to proceed to the West Indies with a fleet and to make short work of all pirates in those and adjacent waters. At the same time orders went out from Whitehall to Carolina to seize all pirates who came into the province and hold them at the pleasure of the king, and certain unwarrantable practices, which had been used to facilitate their acquittal, were ordered to be suppressed. A copy of the commission issued to Holmes was also transmitted by Lords Craven and Carteret, two of the Proprietors, with instructions to assist in every way in extirpating the outlaws.

"Just what assistance the Carolinans gave Holmes is not known, but it is not probable that they troubled themselves to detain many prisoners at His Majesty's pleasure. They complied with the instructions, however, and enacted a law not only against all pirates, but against all suspects, and provided for the issuance of commissions for the trial of offenders. Holmes was far from making a permanent success of his undertaking, but his presence on the North American coast, and the apparent determination of the king and the Proprietors, had the effect of stopping for a time the indulgence which had been so freely granted to the freebooters."

#### COLLETON'S AUTOCRATIC ACTS

When the permanent character of the legislative deadlock became evident, in a certain measure Colleton was forced to become a law unto himself, although many of the measures by which he assumed jurisdiction are open to criticism. He excluded from the Grand Council, on frivolous charges, some of the commoners, which threw all the powers of this branch of the government into the hands of the Proprietary party, and as the rebellious members of the Parliament were still excluded from the popular house, the injustice was all the more complete. He forbade all inland trade with the Indians, endeavoring to monopolize its profits himself. For preaching what he considered a seditious sermon, the Governor imprisoned a clergyman and fined him £100. He attempted to exact payment of quit-rents in money, which were difficult to pay even in produce, and to cap the climax of his impositions he requested the Proprietors to appoint only such deputies as he could control.

## REBELLION AND MARTIAL LAW

This led to the final outbreak. The people seized obnoxious letters received from England and, imprisoning Paul Grimball, the secretary of the province, took possession of the public records.

In this state of confusion and virtual anarchy, and in violation of his actual instructions to summon Parliament if an extraordinary occasion should require it, Colleton struck over the head of the Commons House by declaring martial law on the sole advice of the deputies. He thought to support such a step by inducing a number of the colonists to sign a petition for the establishment of martial law. When the militia assembled, on March 18, 1690, with Colleton at their head, it was with the understanding that some outward danger threatened the province, and when the assembly met and condemned his action and his invalid excuse, the signers of the petition also claimed that they had taken their step in fear of a foreign enemy.

Then the governor shifted his ground. The Court of Common Law was allowed to hold its sessions, and martial discipline was not rigorously enforced. He also attempted to exonerate himself on the plea that the delegates had refused to pass the militia act and that he really feared an invasion of the Spaniards. The latter excuse was known to be unfounded, and, to the former claim, the thirteen excluded delegates replied under oath that they had proposed to pass the military act. Indeed as the people themselves constituted the only military force in the colony, Governor Colleton discovered that in proclaiming martial law he had unwittingly organized an effective rebellion which was now directed against himself.

## SETH SOTHELL WELCOMED AS A CHANGE

In the very thick of this disorder came to Charles Town Seth Sothell, who, nine years before had bought the Earl of Clarendon's proprietary share in Carolina and had been sent to Albemarle (North Carolina) to pacify, cement and develop its interests. Instead, he had so conducted himself as to enrage the people and be banished from that colony. The North Carolina Assembly which had tried him had adjudged him guilty of numerous crimes both against the people and the royal government, and "ordained that he adjure the country for twelve months and the government forever."

Under such dark and unpropitious clouds Sothel arrived to govern the colonists of South Carolina. As a relief from the deceits and tyranny of Colleton, he was welcomed by the people, although opposed by the party headed by the former governor. He claimed to be the lawful executive by virtue of the Fundamental Constitutions which named the eldest Proprietor in Carolina as its governor, as well as by the special commission issued to him when he was sent to the Albemarle colony. The records state that five hundred "of the best people" petitioned him to issue writs for a Parliament.

## A NEW PARLIAMENT SUMMONED

Sothell then summoned a new Parliament, which immediately proceeded to obliterate all trace of the Colleton clique. A bill was passed disqualifying the former governor from exercising any authority in the province and banishing him from it, within a limited time. At the same time Lieutenant Colonel Bull, Major Colleton and Paul

Grimball were also disqualified from holding any civil or military office, and Thomas Smith similarly marked for disapproval because he had written the petition for martial law. The offense, however, which brought upon Sothell the extreme displeasure of the Proprietors, was his removal of three deputies opposed to him, and substituting three of his supporters—Muschamp, the king's revenue officer, Berresford, who had been clerk of the peace, and John Harris, another leader of the "best five hundred."

#### COLLETON'S SUPPORTERS ARISE AGAINST SOTHELL

But his enemies of the Colleton regime were active in undermining his authority. They demanded that he should sign the Fundamental Constitutions of 1682 and the pending Instructions from the Proprietors. They claimed to the Lords Proprietors that he refused, despite his denial, charged him with treason and called upon the people to withhold obedience to his authority.

Before they knew of the arrival of Sothell at Charles Town, the Proprietors had commissioned Thomas Smith as governor (in October, 1690). In the meantime the friends of the deposed Colleton had laid their case before the lords in England, and on May 12, 1691, they wrote to Sothell, acknowledging letters from him sent in the previous October. Therein he wrote that he would submit to their instructions and denied that he had ever intended otherwise. "We hope," continued the Proprietors (transforming their words into modern English), "you are too knowing and too wise a man to claim any power in Carolina, but by virtue of them, for no single Proprietor, by virtue of our patents, hath any right to the government, or to exercise any jurisdiction there, unless empowered by the rest, nor hath any seven of the Proprietors power to bind anyone in his privilege or property, unless by agreement among ourselves, which agreement is contained in our Fundamental Constitutions bearing date January 12, 1682; those being the only constitutions agreed to or signed by all the eight Proprietors. And if any Proprietor shall come into Carolina and take upon him government, grant, commission, and train and exercise men, any otherwise than pursuant to the rules and instructions for governor appointed by the rest of the Proprietors, it is by the laws of England high treason." For any such Proprietor to appoint judges and other magistrates was also defined as a "very high misdemeanor, as it was in the person who accepts and executes an office so conferred;" and to remove the substitute deputies "tends toward a rebellion to the Crown."

The Lords Proprietors who sign the letter refer to Sothell's displacement of Joseph Blake with Berresford, as deputy, and of the charge made against him that he had refused to abide by the last Fundamentals and Instructions, but promised to suspend judgment until he had arrived in England to speak for himself. They promised the same in regard to the charges made against him by the Albemarle colonists, which were specified under thirteen heads. Reference is also made to the sending of two persons to England for "our better information of all matters," and one of the concluding sentences of the document is of special significance, i. e.: "We have no thought or intention to do you injury, but on the other hand we shall not permit ourselves to be imposed upon, nor His Majesty's subjects that live under our government to be oppressed or unjustly dealt with by any persons whatsoever; and shall much rather surrender our government to the king than suffer it, if it cannot be remedied otherwise."

## SOTHELL'S COMMENDABLE ACTS

Undoubtedly, the moral character of Governor Sothell was not of high grade, but on the whole he showed good judgment in not a few of the measures and movements which he encouraged. Among the most laudable of these was the welcome and assistance which he extended to the French and Swiss refugees, many thousands of whom had been cast out of France as a result of the Revocation of the Edict of Nantes. After a short residence in England, Ireland and Holland, a number had repaired to Carolina, as having a climate more similar to the one from which they had been driven and doubtless because they had heard of Coligni's and Ribault's attempt to settle colonists there. The southern province became a rendezvous for the French Protestant element. Some settled in Craven County, especially along the Santee and Cooper rivers, and a considerable number remained in Charles Town. These moral, industrious and altogether desirable colonists, Sothell encouraged in every way.

He also took pains to promote the interests of navigators and merchants and, among other provisions looking to that end, appointed three pilots to guide incoming and outgoing ships through the safest channels of Charles Town harbor.

Although the matter had no connection with his personal efforts, it is a fact worthy of record that in 1690, during the early portion of his administration, was passed the first South Carolina slave code. It was based upon the Barbadian slave code. The South Carolina code was an improvement over the Barbadian statute in that it provided for the punishment of anyone killing a slave, and obliged the owners to conveniently clothe and otherwise provide for the comfort of their slaves.

## SOTHELL RETURNS TO NORTH CAROLINA

Sothell had been summoned by the Lords Proprietors to answer charges preferred against him both by the colonists of Albemarle and South Carolina, yet continued to serve as governor for eighteen months afterward. In November, 1692, they commanded him to relinquish the office in favor of Col. Philip Ludwell. Without answering the summons to explain his acts to the Lords Proprietors, he returned to his North Carolina estate, where he died in 1694.

## GOVERNOR LUDWELL'S PROBLEMS

Col. Philip Ludwell had succeeded Sothell at Albemarle, and he was now to follow him as governor of the Province of Carolina, both North and South. The Proprietors directed him to issue writs for the election of members of Parliament, or the General Assembly, as distinguished from the Grand Council, or upper house. Carolina was then divided into Albemarle County, a small but well-settled territory between the Roanoke River and Virginia; Craven County, the large district from the Roanoke to Sewee Bay, or Bull's Island; Berkeley County, between Sewee Bay and the Edisto River, and Colleton County, between the Stono and Combahee rivers. Each of the counties was to be represented by five delegates, unless it was found impracticable to have the Albemarle representatives meet at Charles Town, in which case seven delegates were to be selected for Berkeley, seven for Colleton, and six for that part of Craven County lying south and west of Cape Fear. In case a separate election should be

held for North and South Carolina, Ludwell was to appoint a deputy for the former and assume immediate control of the southern province.

#### "BEWARE OF THE GOOSE CREEK MEN"

Under his instructions, the new governor was not only to investigate the charges against Sothell, but against others which had gone over from the Colleton administration. Colonel Ludwell therefore assumed no easy task; especially as at the very outset the Proprietors clipped his wings of all initiative in the line of reconciliation. They wrote, for instance: "Beware of the Goose Creek men; reconcile yourself to our deputies; don't expect to carry on the government with all parties; convince the people that the Grand Council has power, by the Constitutions, to pass upon all bills before they can be submitted to Parliament." The last-named order was the solid rock of difference upon which the former administrations had gone to pieces, and the Goose Creek men, to whom he was to give the cold shoulder, were such influential men as Thomas Smith, Col. James Moore, Capt. Arthur Middleton, Robert Gibbes, Ralph Izard and the Huguenot Peter de St. Julien. All along Goose Creek and the Santee the French Protestants were slowly increasing in numbers and influence. In Berkeley, the supporters of the Established Church and the aristocratic element largely predominated.

#### GROWTH OF THE HUGUENOT ELEMENT

The natural result of the growth of the Huguenot element in numbers and wealth was that many of the colonists asked indignantly "Shall the Frenchmen, who cannot speak our language, make our laws?" After the election was held, under the instructions of the Proprietors, for representatives of the Parliament in the three South Carolina counties, memorials were addressed to Governor Ludwell to dissuade him from permitting the Frenchmen to have seats in that body. Such a course would evidently have been suicidal to his career, and the six Huguenots elected were returned and took their seats, in the fall of 1692.

It is not known whether the leaven which fermented the new Assembly was thrown into that body by the dangerous men from Goose Creek, but certain it is that Parliament was soon in vigorous action. In its very first act the Fundamentals were openly flouted by the passage of a measure giving the privilege of voting for members of the assembly to every man worth ten pounds, without reference to the period of his residence in the colony. Another act was passed, supposed to have been promoted by Thomas Smith, providing for twelve jurymen to be drawn from a list prepared by the sheriff. The Proprietors rejected both measures, as "dangerous to the country." This Parliament also reenacted the Habeas Corpus act of England, giving the power of executing it to colonial magistrates.

The fiery brand, however, which set everything ablaze, was the address presented by the Assembly to the governor and deputies requesting an "act of free and general indemnity and oblivion, and a confirmation of all judicial proceedings in the late government." Ludwell replied: "The last Assembly was factious. Look to your Journals, and judge what clemency can be demanded." Then the governor rambled off into a maze of words, concluding with "by a mistaken act of mercy to confirm, nay heighten, all the cruelties of



the last government. Is this the way to establish peace and safety on either part? Mr. Speaker, we must own we understand it not."

#### THE SOUTH CAROLINA "BILL OF RIGHTS"

Neither the speaker nor the members of the Assembly understood the details of the governor's reply, but, knowing that the tenor of it was to refuse their request, they repeated it. As Ludwell's proposed act of indemnity was quite unsatisfactory to the people's representatives, the Assembly, over the name of Jonathan Amory, its speaker, prepared a representation of grievances which was sent to the governor and deputies, and which has been pronounced as "probably the first instance of a petition, or Bill of Rights, drawn in America."

After requesting Their Honors to "represent our grievances to their Lordships (the Proprietors), the want of which we conceive hath been the occasion of their continuance and increase," the paper proceeds to specify the causes of complaint under fourteen heads:

1 That the Lords Proprietors had not all agreed to the same form for conveyancing of land, and that the latest form adopted by some of them was not satisfactory to the people.

2 That the receiver of rents had not been commissioned.

3 That the office of sheriff and judge of the Court of Pleas was lodged in the same person.

4 That although the power of erecting courts be with the Proprietors, the courts should be regulated by popular laws.

5 That public officers collected much greater fees in the province than in England; and before any regulating act had been passed by the Assembly.

6 That the popular representatives were too few and were not selected according to the royal charter.

7 That the two Palatine courts, one in England and one in Carolina, were working at cross-purposes

8 That the Palatine court of Carolina assumed to put certain English laws in force, but that in reality they could be adapted because they were inherently appropriate, or had been sanctioned by the Assembly.

9 That inferior courts could not pass upon the validity of acts of the popular house, but only the succeeding General Assembly.

10 That the setting up of martial law (except in cases of rebellion, tumult, sedition or invasion) was not warranted by the King's Charter.

11 The taking of bonds or writings obligatory, without due process of law.

12 The want of a competent number of commoners to represent the Assembly in Council.

13 The refusal of an act of indemnity and confirmation of judicial proceedings in the late government, and denial to stop proceedings concerning the same till Their Lordships' pleasure be known, notwithstanding Their Lordships' deputies represented them.

14 The climax of the series of complaints: "That Their Lordships have forbidden their deputies to put in execution any laws relating to courts of judicature, or altering of the forms of proceedings therein, or any other matter relating to judicature, magistrates, judges, sheriffs or any other officers, or relating to juries or elections of representatives for the General Assembly; or relating to the fees



taken or belonging to any officer appointed by them, before such time as Their Lordships' consent thereunto signified from England, which we cannot expect in less time than one year, sometimes two; and before that time the occasion and reason for their being made, may cease, and the exactions and oppressions of public officers may have left us nothing worth making law for; and where laws relating to such matters are not made, justice between man and man cannot be expected.

"And we humbly conceive that the Patent of Carolina doth not give any such powers to Their Lordships."

#### CONCESSIONS TO THE PEOPLE

The Proprietors made some concessions to the people, some before the Bill of Rights had been received and some afterward. A joint committee was appointed to consider a new system of government and form of granting land. The members for the House of Commons were Col. Robert Gibbes, Capt. James Moore, Ralph Izard, Joseph Pendarvis and Daniel Courtiss; those for the upper house, Thomas Smith, Paul Grimbail and Joseph Blake. The views and suggestions of all citizens were invited to be sent to the committees, which, however, never had a joint session,—and that the project never brought practical results was imputed largely to Ludwell and the Council.

Such action, however, gave the Proprietors an excuse to criticise it as a movement of the commoners "which shows their weakness, since they have rejected the excellent system of Locke." Continuing in this strain to Ludwell, the Lords Proprietors add: "We therefore have thought it best both for them and us to govern by all the powers of the charter, and shall part with no power till the people are disposed to be more orderly." Publicly this announcement was made: "As the people have declared they would rather be governed by the powers granted by the charter, without regard to the Fundamental Constitutions, it will be for their quiet and the protection of the well-disposed, to grant their request." This would seem to be a very positive concession, but the Constitutions continued to bind the Proprietors and at times for more than a decade afterward, they brought out the old instrument, dusted it off, patched it up again and tried to make it apply to Carolina.

While the Carolina Assembly was busy with its "representation of grievances," the Proprietors were taking such drastic action as seemed to them wise, in England. In November, 1692, they wrote to Ludwell withdrawing the power they had given him the year before, to use his own judgment as to the necessity of any proposed legislation, which, with his assent and that of the deputies, was to remain in force for two years. They wiped the slate clean of the legislation passed under the Sothell administration, and directed that all bills incurred during that period should be passed upon by them in England. Under their Great Seal, however, they sent out a "general pardon to the people of Carolina (James Moore and Robert Daniell\* being excepted) for all crimes and offenses "committed prior to Ludwell's commission, in hopes that in time to come it may beget a firm resolution to become strict observers of the laws." But there was a hitch even in this attempt to apply a healing balm—for there was an unaccountable delay in announcing this amnesty to the people.

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\* Both Goose Creek men, and leaders.

## THE LORDS PROPRIETORS WARN THE GOVERNOR

Governor Ludwell, too, was nearing his political end. He had assented to several legislative acts displeasing to the Proprietors, especially in regard to a change in the form of land indentures which they considered detrimental to their interests. The Governor had also placed himself between the cross-fires of several political factions, in his endeavors to propitiate them all. Obviously, he had also flirted with the Goose Creek men, and the faction led by Sir Nathaniel Johnson, who had recently settled in the province and who was in a few years, to serve as governor. No other proof of that statement need here be offered than the following extract from a letter written by the Lords Proprietors to Ludwell in April, 1693: "We are glad to hear that you gain on both parties, and approve of your design to open their eyes. Avoid the snare Colleton fell into, who was popular at first; but the Goose-creek men, fearing the loss of their power, offered him an excise for his support, and in return made him turn out real deputies, and disoblige others to please them; yet afterward called out against his avarice, whereby he lost the opinion of the people. We hear they are playing the same game with you, by offering a gift of a thousand pounds. James Moore is at the head of this faction. And in return you had an act of indemnity which you had not the power to grant. We observe you say the Goose-creek men are resolved to oppose all we shall offer; therefore they ought not to be employed. You say Sir Nathaniel (Johnson) has hopes for himself, were the government changed to the king. This cannot be from William (the king), because he (Sir Nathaniel) quitted the Leeward Islands on account of refusing to take the new oaths. Watch his actions."

## BAD TREATMENT OF THE HUGUENOTS

While dallying with the Goose Creek men, who were feared and opposed by the Proprietors, Ludwell had acted autocratically toward the religious and tractable Huguenots of Charles Town and vicinity, who had been in favor with the English lords for a number of years. Sothell had wisely carried out the Proprietors' wishes in that regard; Ludwell's treatment of them was such that they sent bitter complaints across the water, protesting especially against threats made by the government that, being aliens, their estates would be confiscated after their death, and the orders issued by the Grand Council not only making the marriages performed by their own ministers unlawful, and any issue therefrom illegitimate, but even regulating their hours of worship to conform to those of the Church of England. "We have power by our patent," wrote the Proprietors to Ludwell, "to grant liberty of conscience in Carolina. And it is granted by an act of Parliament here, and persons are married in the Dutch and French churches by ministers that were never ordained, and yet we have not heard that the children begotten in such marriages are reputed unlawful; and this seems to us opposite to that liberty of conscience Their Majesties have consented to here, and we, pursuant to the power granted us, have granted in Carolina. We desire these things may be remedied and that their complaints of all kinds be heard with favor, and that they have equal justice with Englishmen and enjoy the same privileges, it being for Their Majesties service to have as many of them as we can in Carolina. We would have them receive all manner of just encouragement whatsoever."

## GOVERNOR LUDWELL RECALLED

Such were the chief causes of complaint which induced the Proprietors to recall Governor Ludwell's commission in November, 1693. The next unfortunate to whom they entrusted the gubernatorial experiment was Thomas Smith, an extensive land owner both by marriage and in his own right, and who had been a member of the Grand Council and sheriff, or chief justice, of Berkeley County. Moreover, the unexpected arrival of Sothell had previously debarred him from the governorship. As Smith had been made a landgrave in 1691, he assumed office enforced by all the exterior qualifications. His instructions were similar to those under which Ludwell floundered.

## THOMAS SMITH ASSUMES GOVERNORSHIP

When Governor Smith assumed his charge, there was a deafening and confusing clash of colonial affairs over land tenures, quit rents, naturalization of the Huguenots, and the obliteration by the Proprietors of all legislation passed by Ludwell's Parliament. Among his first instructions Smith had been enjoined to compel by law the collection of rents and assume the responsibility of directing the receiver general. And there stood the violent James Moore, the outlaw, and his Goose Creek men, determined not to pay, claiming that the deeds tendered them were not valid, "because only some of you (the Proprietors) have set your hands and seals thereto."

A number of the malcontents quitted the province, and it was thought that unless others went, peace could not be restored. At length Governor Smith, despairing of allaying the disturbances, wrote to the Proprietors (October, 1694) that he and others intended to abandon Carolina and live in some other part of America; "that it was impossible to settle the country, except a Proprietor himself was sent over with full power to heal their grievances." Without waiting for a reply, he resigned, and Joseph Blake, son of Benjamin Blake, the emigrant and English dissenter, succeeded him. Blake, who had been made a landgrave, was selected by the Grand Council to act for Smith until a new governor should be commissioned by the Proprietors.

## CHAPTER VIII

### THE BLAKE AND ARCHDALE ADMINISTRATIONS (1694-1700)

Both Governor Smith and Sir Nathaniel Johnson had written letters to the Proprietors urging them to send one of their number to Carolina in an effort to appease the popular discontent. At the time Smith resigned his office, only one of the original eight Proprietors survived, the old Earl of Craven, then in his eighty-seventh year. All the other shares had descended by inheritance, or been purchased. The venerable Craven was Palatine of the Proprietors' "court" in England, but had withdrawn from active participation in the affairs of the province.

#### THE ACTIVE LORDS PROPRIETORS

The Ashley interests were represented by the young and able grandson of the original Earl of Shaftesbury; the share of Sir William Berkeley, although the ownership was somewhat involved, was voted by John Archdale, an intelligent, moral and ambitious Quaker; Thomas Amy, a London grocer, who had been of great service to the Proprietors as one of their Carolina emigration agents, had been assigned the Clarendon grant, which had been previously purchased by the deceased Sothell; the Colleton share was represented by William Thornburgh, another merchant, who acted as guardian for the minor son of Sir Peter Colleton, deceased, and the Duke of Albemarle's proprietary inheritance had, after several years of litigation, been adjudicated to be the property of the Earl of Bath. The administration of Carolina affairs in London was now (1694) mainly conducted by Messrs. Archdale, Amy and Thornburgh.

After several meetings held in June and July, 1694, at none of which were present all the members, and after it had been ascertained that the young Lord Ashley could not be induced to accept the post of mediator and missionary to Carolina, it was agreed between the Earl of Craven, and Messrs. Amy, Thornburgh and Archdale, that the last named should undertake the governorship. As stated, his title to the Berkeley interests were much involved, and when the four finally sat as a court (of which he himself was a member) to prepare his commission and instructions, his status was defined as "being in the nature of a proprietor." On the 31st of August, 1694, Archdale was commissioned as governor of both North and South Carolina, being authorized to delegate his power in either district of the province. As he went to Carolina by way of Virginia, and evidently journeyed at pleasure, it was nearly a year before he reached Charles Town.

#### GOVERNOR ARCHDALE'S INSTRUCTIONS

Governor Archdale carried with him special instructions, and should he be in doubt was to refer to those prepared for ex-Governor

Ludwell. Specifically, he was empowered, with the consent of three of the deputies, to transfer lands, reserving a rental of 12 pence per 100 acres yearly; to settle the quit-rents as he and three deputies might consider best, receiving commodities as rental; and generally, with the consent of the Council and General Assembly, to alter old laws or make new ones—all to conform as near as possible to the Fundamental Constitutions.

There is nothing to record of Blake's administration as deputy governor from the time of Smith's resignation, in October, 1694, until Archdale's arrival to assume the active duties of his office in August, 1695. The cautious Quaker governor had been so long on the way that he had written to the Proprietors for additional instructions, and received them. By this new document he was authorized to appoint deputies; to settle all disputes concerning lands; to sell, at £20 per 1,000 acres, the land near the settlement, and £10 for the same quality in the interior; to care for the Indians as he thought best; to build new towns; to fortify Charles Town and grant it a particular charter; and to permanently settle the government by examining the Fundamental Constitutions, finding out what would be acceptable to the people and proposing a new set to the Proprietors for their confirmation. Archdale was well fortified when at length he entered upon his government at Charles Town on the 17th of August, 1695.

#### ARCHDALE'S ACCOUNT OF HIS OWN ADMINISTRATION

But the governor still hesitated to enter the lists, and spent several months in endeavoring to settle disputes and quarrels, or as he puts it in his own "Description of Carolina," to "allay their heats," before he ventured to call the first session of Parliament. That was in the November after his arrival.

In the account which he publishes of his administration, he observes: "When I arrived I found all matters in great confusion, and every faction applied themselves to me in hopes of relief. I appeased them with kind and gentle words, and so soon as possible called an Assembly."

"My power," he says elsewhere, "was very large, yet did I not wholly exclude the High Church party, at that time out of the essential part of the government, but mixed two Moderate Churchmen to one High Churchman in the Council, whereby the balance of government was preserved peaceably and quiet in my time, and so left and continued several years whilst Blake, whom I left governor, lived." The Council to which Archdale thus referred consisted of Joseph Blake (whom he describes as "accounted in some measure a dissenter"); Stephen Bull, James Moore, Paul Grimbail, Thomas Cary (his son-in-law), John Berresford and William Hawett.

In his description of the first Assembly, Archdale reproduces his own address of welcome and explanation to "Friends and Representatives of the People." He recounted the difficulties he had overcome since coming among them, and appealed to their "serious rational observations" to decide whether he had not already so allayed their "heats, as that the distinguishing titles thereof are so much withered away"—whatever he may have meant by those words. Words in those days, and since, were often used to obscure ideas, rather than to develop them.

The Assembly, through its speaker, replied in an address of unadulterated felicitation. "But Courteous Readers," continues the Quaker author, "after this fair Blossoming Season to produce Peace

and Tranquility to the Country, some endeavour'd to sow Seed of Contention, thereby to nip the same; insomuch that they sat six weeks under Civil Broils and Heats; but at length recollecting their Minds into a cooler Frame of Spirit, my Patience was a great means to overcome them; so that in the conclusion all matters ended amicably, as the Address intimates."

The address, to which reference is made and which Governor Archdale reproduces in his pamphlet of 1707, was presented at the end of the session, which closed November 29th, and is entitled "The Humble Address and Recognition of Thanks by the Commons assembled in Charles-Town. To the Right Honourable the True and Absolute Lords Proprietors; and to the Right Honourable John Archdale, Esq., Governour of Carolina." According to the Address, the colonists were under everlasting indebtedness to the Proprietors for sending out Archdale, who had removed all difficulties and made of Carolina a very Elysium.

#### ARCHDALE FROM OTHER VIEW-POINTS

On the other hand the journals of the House, as preserved in the London archives, indicate that when Archdale dissolved the assembly all the popular heats had not been allayed. He had told the Commons House that the Proprietors required the jury act to be changed so that the name of each juryman should be on a single piece of parchment, and not the twelve names entered together. He also informed them that the selling price of land was halved, and bade them remember that the Proprietors had borne the expense "of several thousand pounds" out of their own pockets in settling the province. As he had spoken to them of his "many dangers and hardships" by land and water incurred for their sole benefit, the Assembly gave him an opportunity to prove his words by his acts, and earnestly solicited him to remit the arrears of rent, which were so heavy a burden upon the people. This request he refused, except upon such hard conditions as to be no relief. This sore still festered.

Archdale's policy is well described as "a smiling patience, but a strict requisition of every penny that was due to the 'true and absolute lords' of the province—himself among them."

#### LAWS FOR SOUTH CAROLINA "FREEMEN"

On the day following his dissolution of the first parliamentary session (November 30, 1695), Governor Archdale, in response to a request presented in a popular petition, issued a notice for the assembling of the freemen of South Carolina to "ascertain the number of their representatives for this part of the province, to consult and advise with us about making such laws as shall be necessary for the safety and defence of this province." For these purposes they were to meet at Charles Town on December 19th. In the preamble granting this request, occurs this significant statement: "Notwithstanding all our designs and endeavors to settle this province in peace and tranquility, have, by the obstinate majority of the House of Commons, been frustrated, and willing, as far as in us lies, to gratify and comply with the request of some, but the more modest and reasonable of the members of the House of Commons, and other well meaning inhabitants of this province by their address for that end to us signified," etc.

At the caucus held in Charles Town in December the voters decided upon thirty representatives, twenty to be accredited to Berkeley and

Craven, and ten, to Colleton, but when the House of Commons met in January, 1696, there was not a single Huguenot representative. The real business of the session commenced with the presentation of another petition for the cancellation of debts due the Proprietors. The governor and their representatives in the Council proposed a compromise by which were to be remitted the arrears incurred to Michaelmas, 1695, provided the remaining debts were secured, the town fortified by means of taxes, and measures taken for the ready payment of quit rents for the future. The Assembly first demanded an accurate statement of accounts between the people and the Proprietors. In a word, both the Proprietors and the colonists were of the hard-headed business type, and refused to sign an agreement until they knew exactly what it implied.

Finally some definite steps were taken of vital concern to the practical affairs of the people. First, the Assembly agreed to the stipulations of Archdale as to future security, and, on the other hand, quit rents were remitted for three years to all who held by grant, and four years to all who held otherwise, except for baronies or creditors to the Proprietors. It was agreed that the repeal of laws relating to lands could not be made without the consent of the Assembly. Lands rented were to be held at a penny an acre, or the value thereof in indigo, cotton, silk, rice, beef or pork (barreled), or peas; to be appraised by an equal number of men appointed by the governor and the Commons in Assembly. In case of non-payment of the quit-rent, the receiver of the Lords Proprietors could bring legal action for recovery. The land could not revert to the Proprietors until after a delinquency in payment of seven years.

All former grants or purchases from authorized agents, notwithstanding any legal deficiencies in the conveyance, were confirmed to their possessors. New settlers were exempt from rent for five years, and to all who wished to purchase, the price of land was fixed at £20 per 1,000 acres, with a rent of 12 d. per 100 acres, and not revertible until non-payment for twenty-one years.

#### FIRST SOUTH CAROLINA LIQUOR LAW

It is of record that in 1693, during Smith's short administration, an act was passed by the assembly for the regulation of public houses and the sale of liquor; but the general fact is all that is known. The text of the act which became law in the Archdale period is accessible in the Statutes of South Carolina; so the Quaker governor has the honor of having fathered the first act of detailed record relating to the sale of liquor in South Carolina. Except by license from the governor, the act prohibits the sale of any beer, cider, wine, brandy, rum, punch or any strong drink whatsoever, under the quantity of one gallon at one draught; and puts in force all the laws of England, both statute and common, concerning the abuses and disorders of taverns.

Among Archdale's beneficent measures, or those inaugurated in his administration, was the act providing for commissioners of the poor. They were to receive contributions of charity and draw, to a small extent, upon the public treasury for the relief of the indigent.

#### SOMETHING ABOUT QUAKERS

It is claimed the Quaker Meeting House was built on the west side of the public square, Charles Town, sometime during the Arch-

dale administration. The locality was often known as Governor Archdale's Square and occupied the greater portion of the land from Meeting to King streets and from Queen to Broad.

Although the Assembly refused to accept an amendment to the Militia Act in behalf of "tender conscience"—that is, exempting the Quakers from the mandatory of bearing arms—the commoners evidently did not wish to offend this moral and conservative element. One of their first public acts reads thus: "Whereas, there be several inhabitants called Quakers who, upon a conscientious principle of religion, cannot bear arms, and because in certain civil matters they have been persons obedient to government, and very Ready to disburse their monies in other necessary and public duties,

"Be it therefore enacted that all such whom the present Governor, John Archdale, Esq., shall judge that they refuse to bear arms on a conscientious principle of Religion, only shall, by a certificate from him, be excused."

#### MASSACHUSETTS PURITANS FOUND DORCHESTER

In 1696, also, there came into the province a colony of Puritans from Dorchester, Massachusetts, under their minister, Rev. Joseph



RUINS OF THE OLD WHITE CHURCH, DORCHESTER (1696)

Lord, who settled near the head of the Ashley River, about twenty miles from Charles Town. Unlike many of the French Protestants, English dissenters, and other religious emigrants who first located as distinct bodies in the coast country and were afterward controlled by the Charlestonians, this Congregational Church planted in the wilderness, then away from the fellowship and protection of the whites and surrounded by wild beasts and Indians, continued as an undisturbed unit for nearly sixty years. There the Congregationalists also fixed the name of Dorchester upon the map of South Carolina, which has not been displaced to this day.

#### A SYSTEM OF LICENSED BUTCHERS

It was during the Archdale administration that the act was passed providing for a system of licensed butchers, who were to kill un-



marked cattle which were found wandering at large in the rice swamps and elsewhere. At that time the colony was engaged quite extensively in raising "black cattle," salting the meat and shipping it to the Barbadoes and other islands of the British West Indies. Although usually watched and marked by their owners, the cattle multiplied in such numbers in the great stretches of land over which they grazed that many of them were not corraled and branded. As a consequence there was much indiscriminate slaughter and thievery of the unbranded stock. The inciting cause for the passage of the act was the occurrence of a hurricane which had so devastated the cattle country as to make it almost impassable, and, while making it unusually difficult for owners to brand their stock, increased the opportunities of the thieves to play their lawless vocation. The act therefore not only provided for licensing persons to kill all unmarked cattle, but for the punishment of anyone doing so without a certificate from a justice of the peace.

#### RELATIONS OF FREEMEN AND INDIANS

Another law was passed by which a freeman or a servant who should steal or set adrift any boat or canoe was to be punished by a fine, while an Indian for the same offence was included with the slave and was to receive thirty-nine lashes and, for a second misdemeanor, was to have his ears cut off. To judge of the importance of this measure, it must be remembered that as the settlers had located almost entirely along the shores of rivers or bays they depended upon their boats and canoes for transportation and communication entirely, and it was as great a calamity to a colonist to lose his boat as it was for the western plainsman, in the old days, to have his horse stolen. Though the punishments provided for the white and the red men seem rather disproportionate in degree of severity, it is probable that the colonists had considered the matter from the standpoint of racial temperament and placed the greater deterrent before the more likely thief.

In other ways Archdale was more lenient with the Indians and attempted the role of a William Penn of the South. He undertook to be their friend and to include them under the protection of his government. But the basis of his plan, which had failed under previous governors, was radically wrong—that is, to secure justice by making the white man judge in all cases, whether between Indian and Indian or between white man and Indian. Other governors had forbidden, under severe penalties, the furnishing to them of firearms and rum. Archdale's law was more lenient, and entitled the Indians near the settlement to a pound of powder and thirty bullets for each destructive beast they killed above the yearly tax imposed upon them, which consisted of one wolf's skin, one tiger's skin, one bear's skin, or two cat skins. All who failed to comply with the annual tax of a skin or skins, were publicly to receive a severe whipping "on the bare back." It is not of record that any of these laws against the theft of unbranded cattle or boats, or the neglect of the Indian to meet his annual tax, were ever applied, but they are curious and typical marks of the times. The real advance made in the Archdale administration was through the manipulation of the land laws.

#### ARCHDALE'S BOOK AND CHARACTER

The value of Archdale's book, first published in London in 1707 ("A New description of that Fertile and Pleasant Province of Caro-

lina" etc), has been variously estimated. Doyle calls it "confused and rambling"; Rivers is evidently of the same opinion, but "Grahame," says Justin Winsor, "touching it more generously on its human side, calls it replete with good sense, benevolence and piety."

As to the Quaker governor's character and accomplishments Rivers' condensed estimate is as good as any. "Archdale," he says, "yielding to the opinions of the people, left the Indian trade and the condition of the Huguenots as he found them, but advised, with regard to the latter, the plan which was afterward adopted. He seemed afraid lest he should do too much, and, leaving many things undone which required attention, he hastened from the colony (1696) after appointing his friend, Joseph Blake, governor. He had been mild and just, and the people respected him; he had conceded a few privileges, and they eulogized him; he had remitted their debts, and they heaped upon him their heartfelt thanks. In the gentleness of his nature he considered that he understood all their wants and wishes, and could suggest an acceptable remodeling of the fundamental form of government. He lived to see that his permanent establishment of tranquillity did not last longer than a few years."

#### BLAKE'S ADMINISTRATION

Blake's administration of four years was peaceful and fruitful. Within that period culminated not a few movements toward laudable realization of the people's interests. The Huguenots were enfranchised, the commoners rejected another patched set of Fundamentals, and something substantial in the way of a judicial system was inaugurated in Carolina. As if to emphasize the tranquillity and constructiveness of the administration, it closed amid fire, pestilence and storm, with Charles Town, the governmental capital, as the main center of these physical convulsions.

#### THE HUGUENOTS ACCORDED CIVIL EQUALITY

As the hostility between England and France gradually subsided in Europe, so, on the Carolina shores, a more kindly feeling of the English colonists developed toward the Huguenots. Unlike the Congregationalists, and Presbyterians and Baptists from England and the northern colonies, the French Protestants from the continent were not dissenters from the Established Church; they were non-conformists. Their ritual and liturgical service, their celebration of Easter, their pastors wearing the Geneva gown—their forms and ceremonies generally, did not differ materially from those of the Church of England; and so, as the event proved, it was easier for them to get together. Moreover, even to their prejudiced English fellows, the French Protestants had proven themselves, as a whole, to be desirable citizens. The time was ripe to test this sentiment by applying to the Carolina government for the boon of civil equality.

By the advice of Governor Blake and other friends, who had inherited the problem from Archdale, the Huguenots petitioned the General Assembly to be allowed the same privileges and liberties in the colony as those enjoyed by Englishmen. As the petition was in line with the expressed policy of the Proprietors, and also followed its own reformed inclinations, the House of Commons adopted an act "for the making aliens free of this part of the province and granting liberty of conscience to all Protestants." All Christians, "Papists only excepted," were confirmed in privileges of religious liberty and wor-

ship, by this act of March 10, 1697. As specifically applying to the Huguenots, it provided that all alien inhabitants of the province should be entitled to the same privileges as those of English stock, and hold lands and claim the same as heirs by purchase, provided that such persons should within three months petition the governor and Lords Proprietors for the benefit of its provisions, and should also make oath of allegiance to His Majesty, King William.

Governor Archdale had also deferred the task assigned to him by the Proprietors to attempt another revision, or readjustment, of the Fundamental Constitutions, but when he arrived in England his associates resumed their labors upon this tangled problem. Since the death of the old Earl of Craven in April, 1697, John Granville, the Earl of Bath, as the oldest Proprietor, had succeeded the former as head of "the Palatine Court," or, as he was officially known, as Palatine. The other members were Lords William Craven and Maurice Ashley, and Messrs. Thornburgh, Amy and Archdale.

#### FUNDAMENTAL CONSTITUTIONS REPATCHED

Maj. Robert Daniell, one of the most influential of the Goose Creek men who had been specially outlawed by the Proprietors five years previously, was then in England and in favor with the ruling powers. Capt. John Bellinger, who was to be killed in the Appalachian Indian war a few years afterward, was also considered a good adviser in this delicate matter of repatching the Fundamental Constitutions.

With the assistance of these gentlemen, the Proprietors reduced the still bulky instrument to forty-one Fundamentals. Many of the high-sounding dignitaries paraded in the paper of 1682 were eliminated, and the landgraves and caciques were limited to half the number of the commoners. Otherwise, the Fundamental Constitutions remained substantially as they were. The revision was signed on April 11, 1698, by all the Proprietors except Archdale.

#### TITLES OF NOBILITY FOR SALE

Still scheming to impose the new Constitutions upon the people, the Proprietors conceived a plan which savored of bribery but which, at the same time, put money into their own pockets. Heretofore, the landgraves had been appointed because they had rendered some signal service to royalty or the empire, or to make them eligible to the provincial governorship. In another attempt to allay the opposition to the popular adoption of the Fundamentals, the Proprietors now placed these titles of nobility on the market, making them attainable by purchase. Captain Bellinger arranged to purchase one while in England for the standard price (£100), and Major Daniell, who was now a specially desirable friend in need and intrusted with the conveyance of the new Constitutions to the Carolina colonists, was created a landgrave without money and without price. The major was also authorized to sell six landgraves and eight caciques (£50 apiece) to such persons of worth as he and ex-Governor Joseph Morton should designate.

#### CONSIDERATION OF "CONSTITUTIONS" POSTPONED

Despite this well conceived plan of the Proprietors to seduce the people into aristocratic notions, at the expense of their rights as simple folk, the new Constitutions were being carefully considered by the

popular house. Then, after several weeks had passed, the assembly requested the governor and Council to inform that body if it had the power to alter and amend the proposed form of government, and was informed that it had not. Thereupon the lower house appointed a committee consisting of Capt. Job Howes, Ralph Izard and Dr. Charles Burnham, who denied to landgraves and caciques all legislative power; required baronies to be reduced to smaller tracts of land, and requested that the colony lands should be secured to the people at the prevailing rate of rent and purchase, and that no freeholder of a certain quantity of land should have his body attached in civil causes. Finally, in September, 1698, when the "unalterable" Constitutions were submitted to the Commons in Assembly, their consideration was postponed "till another time."

#### ROYALTY AND PROPRIETORSHIP CLASHING

In the meantime, royalty and proprietorship were clashing more and more, and the people were continually being ground by the friction, although progressing as they never had in the mother country. The leading representative of the king's interests in America was Edward Randolph, the royal collector of customs. He was ably supported in England by the Commissioners of Trade. Both Randolph and the English Board of Trade insisted in having a free hand to enforce the navigation laws and the collection of the king's customs, irrespective of the rights or jurisdiction claimed by the Proprietors.

For some years Randolph had been complaining to the throne of the violation of the navigation laws and the harboring of pirates by the provinces and colonies of His Majesty, both north and south. None were exempt. He recommended and urged a more direct control of such possessions by the king, and especially claimed that the Bahama Islands, then under the governorship of Nicholas Trott, and the Carolina district centering at Charles Town, should be placed under His Majesty's immediate authority, as being especially dangerous. The English Parliament had already passed an act requiring the Proprietors to submit their gubernatorial appointments to the king for his approval, and both he and all officers appointed by him were required to take oaths to observe the navigation laws and those passed to regulate abuses in the plantation trade. To enforce such measures the English Board of Trade organized its own Courts of Admiralty; and at this point commenced the great quarrel of this period with the Lords Proprietors.

The Proprietors claimed that under their charter they had the right to regulate such matters within the limits of their grant; that violations of the navigation laws could be tried in the common-law courts which they had established, and that another reason why they had not created special Admiralty courts was on account of the great expense which such a step would have caused. But His Majesty and the Board of Trade, with Collector Randolph, insisted upon the royal Courts of Admiralty, although in the appointments made of the South Carolina officers the preferences of the Proprietors were evidently consulted. On the 29th of April, 1698, they were announced as follows: Joseph Morton, late governor, judge; Thomas Cary, Archdale's son-in-law, register; Jonathan Amory, speaker of the commons, advocate, and R. Pollinger, marshal.

It now became patent to the Proprietors that they must do something positive to provide a better administration of justice than a judge and sheriff combined in one person, without a prosecuting officer.

Their reference to common-law courts in which might be tried admiralty cases was preposterous, of which they and their royal opponents were probably aware, for the seven admiralty courts in America, Parliament declared, in 1697, subject to the Lords of the Admiralty.

#### NICHOLAS TROTT AS MEDIATOR

In pursuance of their plan to do something substantial along this line, the Proprietors commissioned Nicholas Trott, erstwhile governor of the Bahamas and still resting under Randolph's accusations of piratical harboring, as attorney general and advocate general of admiralty. Judged from the testimony of contemporaries and the records of his times, he was an able, aggressive, ambitious and an unprincipled man, and one could always count on a quarrel wherever Trott happened to be. He was commissioned in February, 1698, and was instructed to act as a mediator for the Proprietors, the governor and Council and the people. He was to be the public prosecutor; the adviser and assistant to the collectors of the king's custom; the investigator of trade abuses and, in fact, the general agent of the Proprietors, the commissioners of customs and the colonists generally. Nicholas Trott, even if a conciliator of genius, had a gigantic contract projected for him.

#### CHIEF JUSTICE EDMUND BOHUN

As an important limb of the legal and judicial system proposed to be established by the Proprietors, Edmund Bohun was commissioned chief justice in May, 1698, and sailed for Charles Town on the same ship which bore Major Daniell and the revised Fundamental Constitutions. They also sent a minister of their choice, Rev. Samuel Marshall, who had been appointed registrar of the colony. Chief Justice Bohun was a literary man of substantial reputation, but had no legal education and no judicial experience except what he had gained as a justice of the peace. Unquestionably he was a sincere Christian, but his attitude on the various religious dissensions which agitated England for so many years, seemed to be constantly shifting, and as to political matters he was charged with being both a Whig and a Tory. Bohun was vigorous in the expression of his opinions and his irascible temper often made him reckless. Altogether, he did not seem to be of proper judicial stuff. The fact that his eldest son, of the same name, was a merchant in Charles Town probably induced him to accept the appointment, for the salary was a pittance of £60 a year.

On the 26th of July, 1698, John Ely was commissioned receiver general, an office which the colonists had requested to be filled some time before. His duties were to promote a trade between South and North Carolina and the Bahamas, so as to produce a profitable revenue to Charles Town. He was to collect fines imposed for misdemeanors; to investigate forfeited estates and take charge of wrecks, for the purpose of disposing of both to the advantage of those interested; to obtain information in regard to lands granted; to frame a regular rent role, and to pay the salaries of the officers.

#### THE COLLECTOR OF THE KING'S CUSTOMS AT CHARLES TOWN

Randolph, at the head of the royal customs service in America, now decided to make Charles Town his southern headquarters, both to avoid the rigors of the northern ports, and because it was the most

important entrepot on the South Atlantic coast of North America. It was also the key to a wide and effective survey of the piratical activities in the southern waters. As he had previously complained of their lack of respect toward him, it may be that he considered the Carolina people too independent, and wished to have his eye upon them.

The collector of the king's customs arrived at Charles Town in March, 1698, and administered the oath of office to Joseph Blake as governor, thereby conforming to the act by which royal approval was required of the Proprietors' selection. On the 16th of that month he wrote a long and interesting letter to the Lords of Trade in England. He immediately commences to criticise the proprietary management, thus: "There are but a few settled inhabitants in this province, the lords having taken up vast tracts of land for their own use, as in Colleton County and other places, where the land is most commodious for settlement, which prevents peopling the place and makes them less capable to preserve themselves. As to their civil government, 'tis different from what I have met with in the other Proprieties. Their militia is not above 1,500 soldiers, white men, but have thro' the province generally 4 negroes to 1 white man, and not above 1,100 families, English and French."

Being officially opposed to the Proprietors, undoubtedly Randolph made the picture rather dark; for, as stated by Salley, "while it is true that the proprietors had taken up a matter of forty-eight or sixty thousand acres (four or five baronies) for themselves in Colleton County, there were still a few hundred thousand acres of excellent planting lands left in that county."

#### RANDOLPH'S GENERAL REVIEW

As to the population of the province at that time, the same authority comments: "Estimating one soldier for every five white inhabitants would make the white population of the province 7,500—a number which the editor believes from many years' study of the public records to be about the correct one. The proportion of negroes to whites was nothing like four to one in 1699. It was scarcely two to one. Governor Johnson and his council estimated in 1708 that the total population of the province was 8,180, almost equally divided between whites and negroes."

In his letter to the Lords of Trade, Randolph refers to Charles Town as the "chief town and seat of government in this province, where the governor, Council and Triennial Parliament set and their courts are holden, being a league distant from the entrance to the harbor, which is barred and not above 17 feet of water at the highest tide, but very difficult to come in." He then covers the history of the province for the previous dozen years or more, especially dwelling upon the Spanish outrages and drawing the inference from the record, that the sufferings and disappointments of the colonists were due to the neglect by the Proprietors to furnish the necessary protection. The French also threatened the Ashley River colony from the west, especially should they continue to settle on the Mississippi and the expected death of the king of Spain occur.

With the evident purpose of belittling the reputation of the Proprietors and raising that of royalty, he says: "It was one of the first questions asked me by several of the chief men at my arrival, whether His Majesty had not sent over some soldiers to preserve them from the French, saying they might all live in this plentiful country if His Majesty will please to allow them half pay for two or three years at

furthest; that afterward they will maintain themselves and families (if they have any) in making pitch and tar and planting of Indian corn. His Majesty will thereby have so many men seasoned to the country ready for service upon all occasions. Five such men will do more service by sea or land than 20 new raised men from home. They may be brought hither in the Virginia outward bound ships, 100 or 150 men in a year, till they are made up 1,000. It will save the charge of transporting so many another time two or three thousand leagues at sea."

Quoting his words (and now following his capitalization), Randolph further says: "The great improvement made in this Province is wholly owing to the industry and labour of the inhabitants. They have applied themselves to make such commodities as might increase the revenue of the Crown, as Cotton, Wool, Ginger, Indigo, etc. But finding them not to answer the end, they are set upon making Pitch, Tar and Turpentine, and planting rice, and can send over great quantities yearly, if they had encouragement from England to make it, having about 5,000 Slaves to be employed in that service, upon occasion, but they have lost most of their vessels, which were but small, last war by the French, and some lately by the Spaniards, so that they are not able to send those Commodities to England for market, Neither are sailors here to be had to man their vessels.

"I humbly propose that if His Maty will for a time suspend the duties upon Commodities, and that upon rice also<sup>1</sup> it will encourage the Planter to fall vigilantly upon making Pitch and Tar, etc., wch the Lords Proprs ought to make their principal care to obtain from His Maty, being the only way to draw people to settle in their Province, a place of greatest encouragement to the English Navy in these parts of the world. Charles Town Bay is the safest port for all vessels coming thro' the gulf of Florida in distress, bound from the West Indies to the Northern Plantations; if they miss this place they may perish at sea for want of relief, and having beat upon the coast of New England, New York, or Virginia by a North West Wind in the Winter, be forced to go to Barbadoes if they miss this Bay, where no wind will damage them and all things to be had necessary to refitt them. My Lords, I did formerly present Your Lordships with proposals for supplying England with Pitch and Tar, Masts and all of Naval Stores from New England. I observed when I were at York in Sepr. last, abundance of Tar brot. down Hudson's River to be sold at New York, as also Turpentine and Tar in great quantities from the Colony of Connecticut. I was told if they had encouragement they could load several Ships yearly for England. But since my arrival here I find I am come into the only place for such commodities upon the Continent of America; some persons have offered to deliver in Charlestown Bay upon their own account 1000 Barrels of Pitch and as much Tar; others greater quantities, provided they were paid for it in Charles Town in Lyon Dollars,<sup>2</sup> passing here at 5s pr piece, Tar at 8s. pr Barrel, and very good Pitch at 12s. pr Barrel, and much cheaper if it once became a trade. The season for making those Commodities in this Province being 6 mos. longer than in Virginia and more Northern Plantations, a planter can make more tar in any one year here with

<sup>1</sup> The month before Randolph's arrival the House of Commons had petitioned the Proprietors to "intercede with his most Gracious Majesty for the taking of the duty off of rice, turpentine, pitch and tar;" also requested them to send by the first opportunity a model of a rice mill.

<sup>2</sup> Dutch dollars, bearing as a symbol the lion of Brabant or of the Netherlands.—Salley.

The rice proposition was of an entirely different nature. Samples of the grain were in London, and in sending one of them to the Board of Trade William Thornburgh, the proprietor, writes: "I have herewith sent you a sample of our Carolina rice that the Rt. Hon. the Lords Commissrs. of Trade and Plantations may see what a staple the Province of Carolina may be capable of furnishing Europe. The Grocers do assure me it's better than any foreign rice by at least 8s. the hundred weight, and we can have it brought home for less than 4s. per ton, which is not dear."

#### END OF BLAKE'S ADMINISTRATION APPROACHES

As the end of Governor Blake's administration approached, as well as the termination of his own life, the discordant personal elements surrounding him seemed to gather strength and virulence. Randolph, Morton, Bohun and Trott, all at swords' points, and the Lords Proprietors, at a distance, endeavoring to stem the rising power of the royalists which threatened their supremacy without giving serious offense either to His Majesty or his agents! That was the situation which tried the naturally even-tempered governor to the breaking point; and the real center of the whirlpool was the royal Court of Admiralty.

That tribunal seized and condemned a vessel, Joseph Morton, the head of the court, refusing to receive the evidence of witnesses that it was owned by English subjects. For some unknown reason, Randolph charged both Morton and the governor with having been corrupted in the affair, which was referred to the English authorities for decision.

#### LORDS PROPRIETORS DISCIPLINE EVERYBODY

Chief Justice Bohun, in the meantime, had become one of the avowed opponents of Governor Blake, but as he was an official creation of the Proprietors and a sort of an antidote to the obnoxious Court of Admiralty he must be sustained—but not too much! Therefore in the fall of 1699, the different parties to the entanglement received several scathing and bewildering letters from the Lords Proprietors. To the Chief Justice they wrote that they were sorry he had not met with the assistance and encouragement which they had planned for him; but they could not omit to tell him that he had likewise been to blame and had "done things imprudently and irregularly." Further, said they: "We have given orders to the governor and Council in this matter, and we expect that you shall show them all respect. We would recommend to you not to show too great a love for money, which is not beautiful in any man, much worse becoming a judge. Take no more than your dues and if they at present be of the least, consider time will mend them; and if they don't there may be means found to do it."

To the governor and the Council the Proprietors wrote that they were "not willing to let any ship go from hence without a line from us." They wondered at the blindness which could not perceive the benefit to accrue from "a judge who does not depend on the will and pleasure of a governor," and they demanded that in the future said governor and the Council should give the Chief Justice due encouragement and assistance, "as we shall require of him to carry himself with all respect to you and justice and kindness to the people."

Later Governor Blake was warned that he was not giving due



encouragement to the Judge, and at the same time applauded Attorney General Trott's "prudent management of the affairs of Judge Bohun." The letter of warning stated that to "vex" Bohun the governor had been "exalting the admiralty jurisdiction"; in other words, bowing more to the royal than to the proprietary authority. In another letter the Proprietors charged that Mr. Randolph's "blustering has occasioned much of this embroilment."

#### CLASH BETWEEN BLAKE AND TROTT

How Attorney General Trott was upholding the cause of the Proprietors is well illustrated by an incident which occurred shortly before Governor Blake's death. He had been elected a member of the Assembly and in a conference of committees from both houses appointed to consider a bill for regulating the Court of Admiralty, Governor Blake, who presided, was insisting upon a certain point. Trott interrupted him with the remark: "With submission to Your Honor, you are too fast; we are not come to that point yet." Without disclaiming an intention to offend, the Attorney General declared his right to freedom of speech, since he recognized Mr. Blake as a member of the committee, and not in his character as a Proprietor and governor of the province. The conference was dissolved, and Blake refused to meet its members again if Trott should be present.

#### TROTT SUSPENDED AND BLAKE DIES

The matter was referred to the Assembly, which resolved that "any manager appointed by this house have freedom of speech, as it is their (his) undoubted right." But Trott had rendered himself censurable for partiality as the prosecuting officer of the port, and the governor suspended him on this account from exercising the functions both of attorney general and naval officer. At this juncture (1700) Governor Blake died. At the next session of the Assembly Trott was reinstated. One of the causes for his restoration to office was probably the letter written by Randolph to the Lords Commissioners of Trade and Plantations, charging that there had been a conspiracy between Governor Blake, his brother-in-law, Morton, the judge of admiralty, George Logan and Edmund Bellinger, in seizing and condemning vessels and buying them in at half their value, and that he (Trott) had been displaced to make room for a creature of the governor.

Two unrelated events occurred during 1698, the second year of Blake's administration, which are worthy of record—the establishment of the first postoffice in South Carolina and the founding of the first public library in the province. It has been claimed by McCrady that this was "the first public library in America, but Dr. Steiner, who made a special and extensive study of the matter, declares it "a moral certainty" that the library at Henrico, Virginia, "was the first public library in the British colonies." The same high authority quotes Trott's "Laws" etc., to show that, as far as known, the earliest library laws in America are those passed in 1700 and in 1712 with regard to the Charles Town Library.

The postoffice was at the house of Francis Fidling, Charles Town, and was established for the convenience of shipmasters arriving in that port who were to deliver all their letters to him. Each master was also to make out a list of his mail which was to be posted in some public place in Mr. Fidling's house.

The library, in the same town, was formed chiefly through the efforts of Rev. Thomas Bray, one of the commissaries, or presbyters, of the Bishop of London in America, who was authorized, among other duties, to found parochial libraries in the colonies and provinces. He established altogether thirty libraries similar to that in Charles Town. The Lords Proprietors aided the project, as well as many of the colonists. This provincial library was placed in charge of the local minister of the Church of England, who, at the time of its establishment was Rev. Samuel Marshall. In 1700 an act was passed for "securing the Provincial Library at Charles Town," by which commissioners and trustees were appointed for its preservation.

The series of casualties which overtook Charles Town in 1698-99 makes sad reading, and particularly so, since they came in the midst of a rising prosperity, hard-earned after many years of uncertainty and not a few privations. For several months previous to the spring of 1698 small-pox had carried away between two and three hundred people, and was still epidemic. That loss was among the white colonists; the Indians were not taken into account, although from private letters written to England it is known that the disease was unusually fatal to them. One account states that one of the neighboring tribes was swept away, with the exception of about half a dozen persons who fled in terror, leaving the dead unburied on the ground.

In February of that year (1698) about a third of the provincial capital was destroyed by fire; the loss of property was given at £30,000 sterling.

But the year 1699 was to be a very concentration of calamities. While small-pox was still a menace, yellow fever appeared at Charles Town in a virulent form. It was thought to have been brought from Barbadoes or the Island of New Providence, and up to November 1st of that year, according to the report of the governor and Council, 160 persons had succumbed. So many fled to the country that Charles Town was also depopulated.

The report mentioned, made to the Proprietors in January, 1700, states all that is pertinent, as follows: "A most infectious, pestilential and mortal distemper (the same which hath always been in one or more of His Majesty's American plantations for eight or nine years past) was brought in among us to Charles Town about the 28th or 29th of August past, and the decay of trade and mutations of Your Lordships public officers occasioned thereby. This distemper from the time of its beginning aforesaid to the first day of November killed in Charles Town at least 160 persons. Among whom were Mr. Ely, receiver general; Mr. Amory,\* receiver for the public treasury; Edward Rawlins, marshal; Edmund Bohun, chief justice. Among a great many other good and capital merchants and housekeepers in Charles Town, the Rev. Mr. Marshall, our minister, was taken away by the said distemper. Besides those who have died in Charles Town, 10 or 11 have died in the country. All of whom got the distemper and were infected in Charles Town went home to their families and died; and what is notable, not one of their families was infected by them."

Fully half the members of the Assembly died of yellow fever during this season of terror.

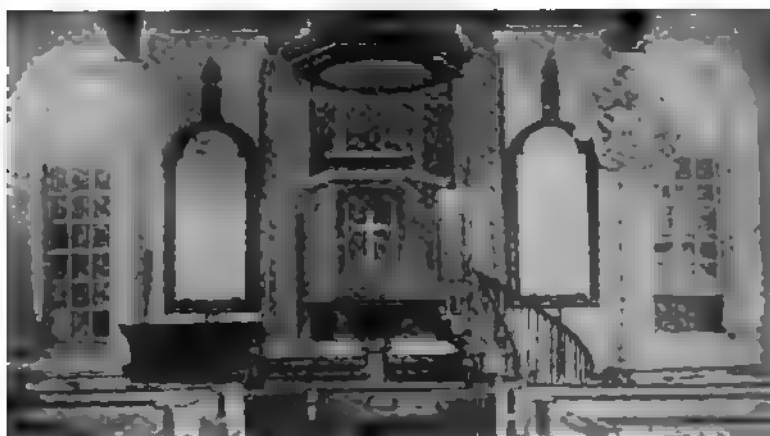
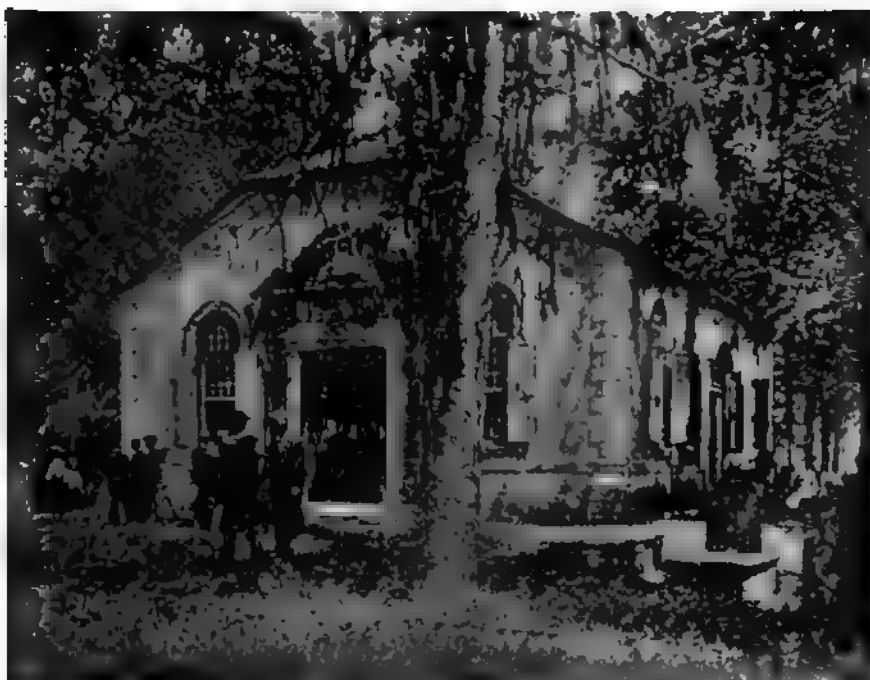
"During the autumn of the same year," says Hewatt in his History of South Carolina, "a dreadful hurricane happened at Charles Town, which did great damage and threatened the total destruction of the town. The lands on which it is built being low and level and not

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\* Former speaker of the House of Commons and advocate in admiralty.

many feet above high water mark, the swelling sea rushed in with amazing impetuosity, and obliged the inhabitants to fly for shelter to the second stories of their houses. Happily few lives were lost in town; but a large vessel called the *Rising Sun*, belonging to Glasgow and commanded by James Gibson, which had come from Darien with part of the unfortunate Scotch settlers at the time of the storm, rode at anchor off the bar. This ship the hurricane dashed to pieces against the sandbanks, and every person on board perished. Archibald Stobo, a Presbyterian clergyman, Lieutenant Graham and several more belonging to the ship, being accidentally on shore during the tempest, escaped the disaster. These men, going next day in search of their unfortunate countrymen, found the corpses of the greater part of them driven ashore on James Island, where they spent the whole day in burying them, the last act of humanity they could then perform to their beloved companions."

Governor Blake, deeply sensible of the public distress during this season of accumulated calamities, tried in every way to alleviate the misery of the people and to encourage them; but the members of the Assembly who survived became so negligent about public affairs that he dissolved the house and called another that it might be more zealous in concerting measures of relief. Of this new Assembly, Nicholas Trott was made speaker; after which, more than ever, he was in a position to hector the governor during the last year of his life.



EXTERIOR AND INTERIOR OF GOOSE CREEK CHURCH  
(Erected about 1702)

## CHAPTER IX

### THE MOORE AND JOHNSON ADMINISTRATIONS (1700-1708)

James Moore, one of the Goose Creek outlaws who was one of the very few Carolina men of Charles Town's hinterland whom the Proprietors had refused to pardon, succeeded to the governorship under rather peculiar circumstances at the death of Blake in 1700. He was the choice of a majority of the Council, and, although the Proprietors never confirmed the selection, Governor Moore continued to hold office until June, 1702. He is said to have been the son of Roger Moore, one of the leaders of the Irish rebellion in 1641, and to have inherited his marked traits of independence and political pugilism; but, Moore had married a daughter of Sir John Yeamans, by whom he had a large family, and therefore had some little standing, as well as acquired following.

Joseph Morton, as the oldest landgrave in South Carolina, was entitled to the governorship, under the strict letter of the Fundamental Constitutions; but there were complications—at least they were presented as such by his opponents; and he was not at all popular. A majority of the Council, it is true, elected him to succeed Blake, and the opposition, led by James Moore, at once claimed that he could not serve even temporarily—awaiting the decision of the Lords Proprietors from England—since he already was judge of the Admiralty, under royal appointment. Morton's friends defended their selection, but were not powerful enough to overcome the Moore faction which promptly inducted its leader into office.

Although Moore was believed to be wealthy, it is said that the fact soon developed that he was in debt, or avaricious. At all events, he had hardly warmed the gubernatorial chair before he brought a bill into the assembly for "regulating the Indian trade" into his own hands, but the wide-awake Nicholas Trott, who had reinstated himself into the good graces of the administration, exposed the governor's design and defeated the measure. Moore therefore dissolved the body which he had failed to mould to his pecuniary advantage in the matter of the Indian trade.

#### ROYAL CAMPAIGN AGAINST PIRACY

Other larger matters were on the way to overshadow these petty, not to say dishonest interests of Governor Moore; for it was during the first year of his administration that piracy, under the royal decrees of King William, was stamped out in South Carolina. That was one of the last acts in the life of the English monarch; and the steps which led to it were along the course of combined severity and clemency. Hughson's standard monograph on "Carolina Pirates and Colonial Commerce" mentions that "although the prosperity of the pirates was undoubtedly waning, they still continued such a menace to American commerce that in 1699 the English authorities realized that mild meas-

ures would no longer have any effect, and proceeded to pass through Parliament an act of such severity as to drive the greater part of the outlaws from the American seas. This act was largely a revival of the act of 28 Henry VIII.

"It recited the great inconvenience incident to the transportation of pirates from distant colonies to England for trial, and authorized their trial on shipboard or on land by certain officers who were to be constituted commissioners for that purpose. The court was to consist of seven members, any three of which could organize for business. A colonial governor, or lieutenant governor, a member of Council, or a commander of one of His Majesty's ships, must be on the commission, and all members were called upon to subscribe to a specially prepared oath before they could sit in judgment on any case. After hearing the testimony in open court, the judges were to hold a private session and determine the guilt or innocence of the accused by a majority vote. Presumably, on a modification of the principle that he who lives by the sword shall perish by the sword, it was provided that the condemned should be put to death 'in such place upon the Sea, or within the Ebbing and Flowing thereof, as the President, or the major part of the Court,' might appoint.

"It was also enacted that 'whereas, severall evill disposed persons in the Plantations and elsewhere have contributed very much toward the Encrease and Encouragement of Pirates by setting them forth, and by aiding, abetting, receiveing and concealing them and their Goods, and there being some defects in the law for bringing such evill disposed Persons to condign Punishment,' all such persons after the 29th of September, 1700, should be adjudged pirates and dealt with accordingly. Special pensions were also guaranteed to persons who might be wounded in expeditions against the pirates, and, in the event of any volunteers being killed, it was provided that their families should be provided for by the government. Rewards were also offered to informers, and in cases where the colonial officers refused to assist in suppressing piracy, the charter of the colony was to be forfeited to the Crown. Masters of vessels marooning any of their crew, or leaving them in distant parts, thus throwing in their way the temptation 'to go upon the grand account,'—to use the old phrase—were liable to conviction and imprisonment. This act was to be in force for a period of seven years. By an act of 6 Anne, this statute was renewed for a like term of years, and by an act of 1 George it was again continued for five years. During the year 1708, a general pardon was declared throughout the British dominions from which pirates were expressly excepted, although this was not necessary, as by the common law they could not be included in the operation of general pardons."

But this is getting a few years ahead of the story, which chronologically falls within Moore's administration of 1700-02 and particularly has to do with the acts of King William to stamp out piracy in South Carolina waters. At the time of the passage of the 1699 act, rice was just becoming established as the staple crop of the province; previously, its exports had been miscellaneous. At that time, although still forced to sell in the English markets alone, the trade with the mother country had become large and profitable. It was, however, continually interrupted by pirates, and as many Carolina vessels had also been lost in the war between France and Spain, the situation was precarious. In fact, to save the valuable commerce with England based on the sale of the rice crop it was necessary to get the upper hand of the pirates, whose favorite rendezvous was Charles Town harbor and the neighboring waters.

## EXECUTION OF PIRATES AT CHARLES TOWN

"During this year (1699) a party of forty-five men—English, French, Portuguese and Indians—attracted by the spoil that awaited them, set out on a piratical cruise from Havanna. They lay in the vicinity of Charles Town for some time, taking several vessels belonging to the Province, which they retained and adapted to their own uses after sending the crews on shore. They had not been on the Carolina coast many weeks, however, before they quarreled over their spoil, and the Europeans and Indians combined against the Englishmen and turned them adrift at sea. After numerous hardships, the abandoned party landed at Sewee, now Bull's Bay, and came to Charles Town overland, where they told an ingeniously concocted story of having been shipwrecked on the coast. Unfortunately for them, however, the masters of three vessels they had recently taken, happened to be in Charles Town, and recognized them without difficulty as their captors of a few weeks before. They were immediately apprehended and condemned to death, the sentence being executed on seven out of the nine.

"This must have occurred before the news of the English act reached the province, and followed within a short time, as it probably was, by the intelligence of the severe measures the home authorities were preparing to enforce, it resulted in almost the entire extermination of the pirates in Carolina, and they did not show themselves on the coast again for many years.

"Soon after, a number of pirates came into Charles Town with declarations of their intentions to abandon their evil ways; and there being no evidence against them on which they could be convicted, they were permitted to live undisturbed in the province.

"Having promulgated the act of 1699, King William was not disposed to be too severe on those who might wish to stop their career of crime and enter once more upon an honest life. Accordingly, in March, 1701, he proclaimed an Act of Grace, offering pardon for all piracies committed prior to June 24, 1701, provided the outlaws would surrender and take oath of allegiance within twelve months. Several pirates who had sailed with the notorious Kidd were in the province, and they promptly surrendered and took the oath. Just how many of Kidd's crew were in Carolina at this time is not known, but there was evidently quite a number of them. In a letter to the Lords of Trade, dated from Philadelphia, February 28, 1701, William Penn mentions Kidd's men as having settled in Carolina as planters, with one Rayner, their captain."

In the midst of these combined acts of repression and grace, King William died, and three days after his decease (March 11, 1701) the Privy Council of England formally announced the fact to the Lords Proprietors and ordered the proclamation of Queen Anne's accession to be made throughout the province. On March 21st, the Proprietors enclosed the royal order to Governor Moore and the Carolina Council.

It was well understood that Moore was holding the governorship only on sufferance, and without the endorsement of the Lords Proprietors. In June, 1702, the Proprietors therefore issued their commission to Sir Nathaniel Johnson as governor of South and North Carolina; and with his commission they sent their instructions. But the new appointee did not assume the functions of his office until his arrival on Carolina soil in the following year; so that Governor Moore had a prolonged lease of official life, and he certainly made the most of it.

## LAST ATTEMPT TO IMPOSE THE GRAND MODEL

With Johnson's commission as governor and his special instructions, went another set of Fundamental Constitutions, the special messenger who bore all these weighty documents, with his own appointment as landgrave, being Col. Robert Daniell, the Barbadoes emigrant. Then followed the last attempt of the Proprietors to impose the Fundamental Constitutions upon the popular Assembly and the people of the province. By their instructions, Sir Nathaniel was required, with the advice and assistance of his Council, carefully to review the Constitutions and lay before the Assembly for their concurrence such of their provisions as would best conserve the interests of the people. He was to use his endeavors to dispose of their lands, but to take nothing less than £20 for 1,000 acres, and in all future grants to provide that the lands should escheat to the Proprietors unless a settlement was made on them within the space of four years. He was to take special care that the Indians were not abused or insulted, and to study the best methods of civilizing them and making a firm friendship with them in order to protect the colony against the Spaniards.

Attorney General Nicholas Trott was one of a committee appointed to supervise the set of Fundamental Constitutions sent by Colonel Daniell and made a report to the new Assembly, which had been elected in the previous November. It was dated August 10, 1702, and for complicated and confusing phraseology has few parallels in the blinding documents of those days. Within the following month, the Fundamentals were bandied about by various factions, in a playful way, with the obvious intention of never taking definite action upon them, and finally were refused a second reading and buried out of sight. They were temporarily revived when Sir Nathaniel Johnson actually assumed the governorship in 1703, but the spark of life in them then flickered out forever.

## ANOTHER ST. AUGUSTINE EXPEDITION, A FIASCO

While the fencing over the almost lifeless body of the Fundamental Constitutions was progressing, the old ghost of Spanish Invasion assumed such bodily form as to call the provincials to physical action. Either that, or, as the governor's critics declared, the acting chief executive commenced the campaign against the Spaniards and their Indian allies for the purpose of realizing a goodly sum personally from the proceeds of the red men who might be captured and sold as slaves. Whatever the true motive behind the new St. Augustine expedition, the Assembly went into secret session, and, upon emerging from the closed doors, passed an act for raising £2,000 for carrying on an expedition against St. Augustine "and for appointing the number of men and ships to be made use of, and in the manner and method of going against the same place."

From subsequent developments, it appears that before Queen Anne's declaration of war was known in South Carolina, "the Spaniards had formed the design again to fall upon the Carolina settlement by land at the head of 900 Apalatchee Indians. The Creek Indians, in friendship with the Carolinians, coming to a knowledge of this intended invasion, informed the traders, but not before the Spaniards' expedition was on its march. The Carolina traders, instead of retreating, however, roused the Creeks to resistance and collecting 500 men, headed them, and went out to meet the invaders. The hostile



parties met one evening on the side of Flint River, a branch of the Chattahoochee, in Georgia. In the morning just before daybreak, at an hour when the Indians were accustomed to make their attacks, the Creeks, stirring up their fires, drew back at a little distance, leaving their blankets by the fires in the order in which they had slept. As was expected, the Spaniards and Apalatcheans,\* coming to the attack, ran in and fired upon the blankets, whereupon the Creeks, rushing forth from their retreat, fell on them, and killed and took the greater part, entirely routing them. It was upon this provocation and renewed invasion by the Spaniards that it was deemed best to take the offensive and to endeavor, if possible, to wipe out this constant source of menace and danger to the province."†

The result of the St. Augustine expedition was a bitter disappointment, both to the people, who hoped to be assured of some measure of protection, and to Governor Moore and Colonel Daniell, its principals, who undoubtedly planned to reap from it reputation, if not material profit. The Assembly voted to raise six hundred provincial militia and an equal number of Indians, with ten transports, as a means of making the expedition a success. Port Royal was to be the place of rendezvous, and the governor embarked from that point, at the head of his fleet bearing most of the militia and Indians, in September, 1702.

According to the plan of campaign, Colonel Daniell led a smaller party overland to the St. John's River, where he sacked the deserted villages of St. John's and St. Mary's, at the rear of St. Augustine, which had also been abandoned by the Spaniards. Governor Moore afterward arrived in the harbor, landed his forces, camped before the castle and then sent a sloop to Jamaica for artillery and ammunition with which to conduct a siege. But the commander of the sloop sailed to the Carolina coast instead, and Moore, after waiting in vain for this necessary assistance, dispatched Daniel for it. While his coworker was absent on that errand, two Spanish ships appeared in the offing and, through the inexperienced eyes of the English commander the small frigates were magnified into men-of-war, the governor abandoned his ships and stores to the enemy and retreated to Carolina by land. When Colonel Daniel appeared upon the scene, he found his artillery and ammunition of no avail and with difficulty escaped capture himself. Besides the deep mortification incurred over this utter collapse of the expedition, the provincial authorities, as a result, were obliged to meet a debt of £6,000.

#### PAYING THE EXPENSES OF THE EXPEDITION

In January, 1703, soon after the return of the humiliated governor and commander, the Assembly again met to review the situation. The conduct of Colonel Daniell was highly commended; Moore received scant praise and even open criticism. It immediately entered into discussion as to another invasion of Florida, and the measures to be taken for paying the expenses of the first expedition. A bill to raise £4,000 was passed in the Commons House over the opposition of the dissenters, who forthwith withdrew from the Assembly chamber. They returned on the following day and offered to resume their seats, if the other members of the House would join them in the assertion of their rights. This was refused, and the rebellious members again

\* In modern spelling the t is usually dropped, viz., Appalachians, Apalachians, or Apalachi Indians.

† McCrady's "History of South Carolina;" also Carroll's "Historical Collections."

withdrew, thereby blocking all legislation. Their action so enraged certain hot-heads in Charles Town that they were mobbed and several injured.

As a preliminary to dispatching another expedition to St. Augustine, the Assembly at first proposed to send a brigatine to the coast of Florida to prey upon Spanish commerce and do whatever other damage was possible to the enemy, but as no one seemed disposed to assume command of it, the provincial legislature finally decided to endeavor to pay the expenses incurred in the first disastrous venture before embarking in a second attempt. For that purpose imposts were to be laid on skins, furs, liquors and other goods and merchandise which were either imported or exported from the province, with a direct tax on real and personal estates. Under the head of goods or merchandise taxable as imports, were negro slaves over eight years of age—twenty shillings per head, if imported from the West Indies, or any other place but Africa, and sold in the province; and ten shillings each, if imported from Africa, the original and wholesale source of supply. This was the first tax imposed by the Province of South Carolina upon the importation of negroes.

To add to the complications of the situation, another effort was made to give the French in the country proper representation in the provincial legislature, with the result that the Colleton members withdrew from the Assembly in assumed anger, but begged to be taken back on the following day. The rebellious faction comprised fifteen of the thirty members of the popular body, and as it was impossible to muster a quorum without them, and the Assembly was disgusted with their tactics, that body was forthwith adjourned.

To add to the complications of the situation, no court was held in Charles Town to either punish the rioters or those who were alleged to have assaulted the Colleton members; so that sore was still festering in the body politic. In fact, no formal attempt was made to investigate the matter until Moore had been superseded by Johnson and had been transferred to his new office of attorney general. In that capacity, as the prosecution would lay against the element of which he was the former head, the whole affair gradually evaporated into oblivion. It was then that the Colleton members sent John Ash, one of their ablest leaders to England to lay their grievances before the Lords Proprietors and even powers nearer the Throne.

#### REVIEW OF MOORE ADMINISTRATION

The matters covered by the Moore administration are so numerous and complicated that a brief review of them seems advisable. Mr. Salley says in his "Narratives of Early Carolina": "During the seven years preceding the death of Governor Joseph Blake, in September, 1870, South Carolina was governed by three governors who were all dissenters. Upon the death of Blake, the Lords Proprietors' deputies met to chose a governor. Landgrave Joseph Morton, also a dissenter, was entitled to preference over the untitled deputies, but Deputies James Moore and Daniell objected to him because 'he had accepted the appointment from the Crown as judge of the admiralty in South Carolina while still holding a commission from the Proprietors as deputy.'

"The objection being valid, Moore himself was elected governor. He was a rich planter and thirty years previously had married the widow of Sir John Yeamans. Now Governor Moore was a member of the Church of England, and the party of the dissenters was evi-

dently chagrined. They therefore sent John Ash, a member of the Commons House from Colleton County, to present their case to the British authorities. This he did in 1706, under the title 'The Present State of Affairs in South Carolina.' It is needless to say that his paper comprised a series of charges against Governor Moore to the effect that he (Moore) had attempted to (a) selfishly and illegally control the Indian trade; that (b) his expedition against St. Augustine 'was no more than a project of Freebooting under the specious name of war,' a 'beloved exercise of Plundering and Slave Catching'; that thereby the country was (c) thrown into debt to the amount of £8,000; that (d) he at one time headed a violent rabble and without authority dissolved the Assembly and (e) committed other specified 'Treacheries, Oppressions and Hostilities,' etc."

The merits of the case, or rather the dispute between Morton and Moore, have been treated by various South Carolina historians, the statement taken from \* Oldmixon's history being considered somewhat authoritative, although seventy years had elapsed between the death of Governor Blake and the publication of his treatise. The author says on these points: "Mr. Blake dying about the year 1700, after he had been governor four or five years, the Proprietors' deputies met, according to their instructions in such cases, and proceeded to the election of a new governor; which post is generally conferred on the eldest landgrave, if there's no objection to him and no person sent from England with that character.

"Joseph Moreton, Esq., being the eldest landgrave, was elected governor by the deputies; but Capt. James Moor, one of these deputies, knowing the part he had among them, objected against Mr. Moreton, as if he had made a breach of the trust reposed in him by the true and absolute Lords and Proprietors, by accepting of a commission from King William to be Judge of the Admiralty, when he had at the same time a commission from the Lords Proprietors for the same office.

"Tho' this objection was answered by Mr. Moreton's friends: 'That it did not appear by the charter, the Proprietors can empower any one to try persons for acts committed out of their dominions, which is necessary for such a judge'; and the Proprietors could not grant it; yet such was Mr. Moor's interest that on this, his objection, Mr. Moreton was set aside, and his opponent, Mr. Moor, chosen governor. Mr. Moreton inform'd and complained to the Proprietors, but was never redrest.

"From this election I date the rise of all the misfortunes that have since befallen this colony, and that have given the government of England so much trouble."

#### ARRIVAL OF GOVERNOR NATHANIEL JOHNSON

Sir Nathaniel Johnson, who did not arrive in South Carolina until the early part of 1703, although his commission was dated in the previous June, was a man of high character—in England, a brave soldier and supporter of the Stuarts; afterward governor of the Leeward Islands, and, in after years, a generous and practical promoter of silk and rice culture, or any other agricultural projects which promised to develop the natural resources of the province.

The new Assembly elected to support the Johnson administration

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\* One hesitates to quote Oldmixon; for, as Doctor Hawks says: "Unsupported" he "is not to be trusted."

did not please the members from Colleton County any better than those which had been formerly organized, or created. They objected to the electors generally, but the consensus of opinion, which has sifted down through numerous contemporaneous documents and deductions, is that the real animus of their opposition was that the Frenchmen of Craven and Berkeley had cast their votes; and, as the French Protestants were not dissenters against the Church of England, but kindly disposed toward the institution which had protected them against their European enemies, they could not be manipulated by the Colleton element. In fact, the Frenchmen appeared to be, if not independent voters, at least somewhat indifferent to the politics of those times, and plainly disposed to mind their own affairs, work hard, and trust to Providence for their future.

In April, 1703, the Assembly met and presented its compliments to the new governor, requesting him, at the same time, to ask Queen Anne to send a frigate, stores, munitions, etc., not only for defence "but even to take St. Augustine." Governor Johnson also set about the fortification of the town and as much of the province as his limited means would allow. Ex-Governor Moore, wishing to partially redeem himself for his leading part in the St. Augustine expedition, was also allowed to lead a combined party of fifty Carolina volunteers and one thousand Indians into the Apalachian country northwest of St. Augustine, with the object of cutting off the main Spanish source of supply to that stronghold and center. At the head of this expedition, he set forth in December, 1703, and returned in the following March, with his reputation partially strengthened.

As Moore was about to return to George Town, and while in camp near Apalatchia, he sent the following account of his expedition to Governor Johnson: "May it please your honour to accept of this short narrative of what I, with the army under my command, have been doing since my departure from the Ockomulgee, on the 19th of December.

"On the 14th of December we came to a town and strong and almost regular fort, about Sun rising, called Ayaville. At our first approach the Indians in it fired and shot arrows at us briskly; from which we sheltered ourselves under the side of a great mud-walled house, till we could take a view of the fort and consider the best way of assaulting it; which we concluded to be by breaking the church door, which made a part of the fort, with axes. I no sooner proposed this, but my men readily undertook it; ran up to it briskly (the enemy at the same time shooting at them) were beaten off without effecting it and fourteen white men wounded. Two hours after that, we thought fit to attempt the burning of the church, which we did, three or four Indians assisting us. The Indians obstinately defending themselves, killed two men, viz.—Francis Plowden and Thomas Dale. After we were in their fort, a fryar, the only white in it, came forth and begged mercy. In this we took about twenty-six men alive and fifty-eight women and children. The Indians took about as many more of each sort. The fryar told us we killed, in the two storms of the fort, twenty-five men.

"The next morning the captain of St. Lewis Fort, with twenty-three men and four hundred Indians, came to fight us, which we did; beat him; took him and eight of his men prisoners; and, as the Indians which say it, told us, killed five or six whites. We have a particular account from our Indians of one hundred and sixty-eight Indian men killed and taken in the fight; but the Apalatchia Indians say they lost two hundred, which we have reason to believe to be the least.

"Captain John Bellinger, fighting bravely at the head of our men, was killed at my foot. Capt. Fox dyed of a wound given him at the first storming of the fort.

"Two days after, I sent to the cassique of the Ibitachka, who, with one hundred and thirty men, was in his strong and well-made fort, to come and make his peace with me, the which he did, and compounded for it with his church's plate and ten horses laden with provisions. After this, I marched through five towns, which had all strong forts and defences against small arms. They all submitted and surrendered their forts to me without condition.

"I have now in my company all the whole people of three towns, and the greater part of four more. We have totally destroyed all the people of four towns; so that we have left the Apalatchia, but that one town which compounded with one part of St. Lewis; and the people of one town, which run away altogether; their town, church and fort, we burned. The people of St. Lewis came to me every night. I expect and have advice that the town which compounded with me are coming after me. The waiting for these people make my marches slow; for I am willing to bring away with me, free, as many of the Indians as I can, this being the address of the commons to your honour to order it so. This will make my men's part of plunder (which otherwise might have been £100 to a man) but small. But I hope with your honour's assistance to find a way to gratifie them for their loss of blood.

"I never see or hear of a stouter or braver thing done than the storming of the fort. It hath regained the reputation we seemed to have lost under the conduct of Robert Macken. The Indians now have a mighty value for the whites. Apalatchia is now reduced to so feeble and low a condition, that it can neither support St. Augustine with provisions, nor distrust, endamage or frighten us; our Indians living between the Apalatchia and the French. In short, we have made Carolina as safe as the conquest of Apalatchia can make it.

"If I had not so many men wounded in our first attempt, I had assaulted St. Lewis fort, in which is about 28 or 30 men, and 20 of these came thither from Pensacola to buy provisions the first night after I took the first fort.

"On Sabbath, the 23d instant, I came out of Apalatchia settle(ment) and am now about 30 miles on my way home; but do not expect to reach it before the middle of March, notwithstanding my horse will not be able to carry me to the Cheeraque's Mountain. I have had a tedious duty and uneasy journey; and though I have no reason to fear any harm from the enemy, through the difference between the white and between Indians and Indians, bad ways and false alarms, I do labour under hourly uneasiness.

"The number of free Apalatchia Indians that are now under my protection and bound with me to Carolina, are 1,300 and 100 slaves. The Indians under my command killed and took prisoners in the plantations, whilst we stormed the fort, as many Indians as we and they took and killed in the fort.

"Dated in the woods 50 miles north and east of Apalatchia."

The Moore expedition was a decisive score against the Spaniards, as well as against the French, the danger from invasion by the former being more direct, as the territory which they both occupied and claimed was nearer the Carolinas than the French country of the southwest.

## POLICE PATROL BULWARK AGAINST SLAVE INSURRECTIONS

Governor Johnson not only endeavored to harass the enemy at one of his most vital points and provide for expected reprisals and attacks directed chiefly at the provincial capital and commercial port, but critically considered the internal weaknesses of the territory which he had been called upon to administer. One of the patent dangers to the stability of the province was the growing strength of the slave population; the possibility that under the stress of invasion either from Spaniards or French the bulk of the white soldiery would be drawn to the coast regions, leaving the interior helpless before any insurrection of negro slaves.

At the insistence of the Governor was therefore passed, in 1704, the act creating the Police Patrol, which, under various modifications or extensions, mainly drawn from the Barbadian slave code, was maintained as a safeguard by the whites of South Carolina for one hundred and sixty years. The act provided for the draft of ten men from every military company properly armed, mounted and accoutered under a captain or other officer, whose duty it was to muster his men as a patrol upon all occasions of alarm, and at other times, as often as he or the general should think fit, and with them to ride from plantation to plantation, collecting all slaves whom they should meet outside the bounds of their masters' plantations who could not produce permits for such absences, and punishing them according to the means provided by the act mentioned.

The Police Patrol act, thus passed through the influence of Governor Johnson, was one of the most far-reaching measures of the Proprietary period, now nearing a close, and is thus noted in McCrady's history: "Under this system the Province, and afterward the State, was divided into military districts, the chief of which was a colonel, and these again into other districts, or beats, under captains. The captain was the police officer of his district, or beat, and was charged with the patrol and policing of his beat and the enforcement of the regulations in regard to the slaves. The regimental and company military precincts were thus coincident with the police districts and the two formed one system.

"The captain of a beat, or military company, thus charged with the maintenance of order in his district was a man in authority for the time, and, as the duties were onerous, the office was not usually held longer than the term which exempted one from further service. So each young man of position in the neighborhood took his term of duty, and thus acquiring the title of captain retained it—unless he became colonel. There were usually, therefore, a considerable number of men in each community having the title of 'captain' or 'colonel,' and the designation implying a person of some local consequence was sought, and sometimes assumed without actual service.

"This system gave a military organization to the people which was much more effective and exacting than ordinary militia enrolment and muster. So imbued was the system of government brought from Barbadoes with a military spirit that the high sheriff of the province retained the military title of 'provost-marshal' for a hundred years—indeed, until the American Revolution. To this source may be traced the prevalence of military titles in the South, as that of 'judge' or 'squire' in other communities, indicating persons of local consequence."

While Governor Johnson was laying the foundation of the military police system, he commenced the plan of fortifications for the defence of Charles Town and its harbor which was eventually to

bring it fame as one of the military strongholds of the world. The first fortification which he erected was at the northeast point of James Island, in anticipation of the threatened invasion by the French fleet. It was named Fort Johnson in his honor, and has since retained that designation. As noted by Courtenay: "It was but a small work and, with the ordnance then in use, could not have been a sure defence against vessels intent on entering the harbor, as the distance to be covered by the small cannon of that period was over two miles to the southwest point of Sullivan's Island; and for the class of vessels then in use, a depth of water was available out of reach of such guns."

There was also a Revolutionary Fort Johnson, and it figured in every war in which the United States were concerned, inclusive of the conflict between the States. It was originally known as Windmill Point, and it was from a battery stationed there that the first shot was directed at Fort Sumter which precipitated the Civil War.

#### CHARLES TOWN INVESTED BY FRENCH FLEET

The Moore expedition having cut off the Spanish supplies inland, it then became a part of Governor Johnson's campaign to intercept the supplies which were being sent to St. Augustine from Havana by means of French sloops. He had therefore sent out a privateer under Captain Stool to patrol the Florida coast and keep a look-out both for such supply ships and an invading Franco-Spanish naval force which was expected from Havana, under command of M. LeFeboure. The captain intercepted the French fleet comprising a frigate and four sloops, and made haste to head for Charles Town harbor, Governor Johnson and the fort which had been built for the protection of the provincial capital. The progress of these events takes us into the late days of August, 1706, when yellow fever had again visited Charles Town and the French fleet was expected to appear at any time in the roadstead before the stricken city.

The French commander had also heard of the appearance of yellow fever and, judging that the capital and surrounding country would be weakened and terrorized by the coming of the epidemic, made all haste to gather reinforcements at St. Augustine and direct the invading expedition toward the South Carolina coast. In the meantime, word of their coming, which was brought by Captain Stool, had been sent to Sir Nathaniel Johnson, the governor, and Lieutenant Colonel Rhett, commander of the militia, and all the captains of the neighboring districts, or companies, notwithstanding the great danger of yellow fever, directed their commands toward the capital. When the governor arrived from his plantation several miles from town, he assumed active charge of all the plans being devised to defend the harbor and the capital, and posted the militia on James Island, where it seemed probable, from the reports of the lookout on Sullivan's Island, that the French forces would land.

To make a long story short, since, after all, the French fleet left without attacking the defences of Charles Town, the enemy first anchored off the bar, on Saturday evening, August 24th; spent all of the following day in sounding; finally crossed the south bay, but turned away from the unexpected show of strength which faced them at James Island; and when Colonel Rhett, with his improvised local fleet of a brigantine, two sloops and the harbor fire ship, came boldly out to meet them, summoned the governor to surrender. The old warrior, however, was not the kind of man to be bluffed by any Frenchman, and defied Monsieur LeFeboure in the name of the great

Queen Anne of England to do his worst. He did not need an hour to reply—not a minute.

So on the following day (Thursday, the 29th), and the day following, and the day after that, the French burned a few houses on James Island, but were driven off with some fatalities by the militia, and when Colonel Rhett, whom the governor had also commissioned as vice-admiral of the home fleet, proceeded down the river with his strengthened fleet of six small vessels to give battle to the French ships, the latter weighed anchor and disappeared over the stormy seas. Search was made for the enemy on Sunday, September 1st, but the fleet as a whole had disappeared. On Monday, a French ship which had not joined the fleet, although destined for the expedition, anchored in Sewee Bay, and, evidently being unaware of the outcome of the invasion, fell an easy prey to the attacking Carolina captains. The entire crew of the French ship, 200 in number, were either killed or captured (the fatalities were fourteen), and the net result of the invasion was that the first naval attempt to reduce Charles Town was a complete failure; and there were 230 French and Spanish prisoners in the Carolina capital.

#### CHURCH PARTY AND DISSENTERS

In the meantime, the conflicts between the Church of England party and the dissenters, were waxing hotter and more complicated. In May, 1704, was introduced the bill "for the more effectual preservation of the government of this province" by forcing all members of the Commons House to formally subscribe to the rites of the Established Church before taking their seats in that body. An appeal was made to the Royal Charter and other fundamental guarantees of religious liberty to English subjects.

A firebrand was thrown into the discussions and disputes with the coming of Rev. Edward Marston, who succeeded Rev. Samuel Marshall, deceased, former registrar of the colony and rector of St. Philip's parish. The beloved pastor who had passed away had eschewed politics, was a helpful friend to all irrespective of religious tenets, and had acted as a healing balm to sectarian dissensions. Mr. Marston was his opposite. Though recommended by the Archbishop of Canterbury, and not of the "true church militant," he was a quarrelsome controversialist and entered the lists with unadulterated rancor against the Church party. He was in close touch with Ash and others who went to England to present the case of the dissenters direct to the highest powers of the realm, was haled before the assembly for the bitter sermons he had delivered from his pulpit on the Disqualifying Act, and, within a few months, had become so offensive to the party in power that Governor Johnson referred to him as "the pest of the country."

#### PROVINCE DIVIDED INTO PARISHES

The Church party went right on with its measures to establish Episcopacy in the province. Charles Town and the neck between Cooper and Ashley rivers were made into a distinct parish known as St. Philip's in Charles Town; the parish church being designated as the one which stood upon the present site of St. Michael's. Berkeley County was divided into six parishes—St. Philip's in Charles Town; another covering territory southeast of Wando River; a third, the neck of land lying northwest of Wando and southeast of Cooper



River; and the other three, embracing a district on the western branch of Cooper River, on Goose Creek and Ashley River.

Six churches were to be built, one in each of the five parishes outside of Charles Town, and one on the south side of the Stono River in Colleton County, which territory, however, was not erected into a parish. Expenses for the erection of these houses of worship were to be defrayed by subscription as far as possible; any deficits to come from the public treasury. The Assembly was to appoint building supervisors, who could compel either freemen or slaves to work upon the churches. The ministers of the several parishes were to be designated by a majority of the inhabitants within the territories covered by them, and they could be removed by lay commissions appointed to generally supervise such matters. It was a sort of Home Rule measure applied to the Established Church in South Carolina.

Finally in November, 1706, the legislative slate was wiped clean of all acts relating to church matters, and another general act passed the same day. The six parishes gave place to ten, the most radical changes being that Colleton County was divided into two and the French settlement on the Santee, in Craven County, was made into a parish. Three of the building commissioners appointed were Huguenots, and the rectors of St. Dennis, Orange Quarter, and of St. James, Santee, were allowed to read the service in the French tongue according to a translation which had been approved by the Bishop of London. But few of the people in the Orange Quarter could understand the English language, although they desired to conform to the Established Church.

#### DEATH OF JAMES MOORE AND JOHN ASH

The outspoken opponents of the governor and his party were getting the upper hand. Two of the most influential of the dissenters had died when the new Assembly met in the fall of 1707—John Ash, in London, and ex-Governor and Col. James Moore, in Charles Town, as a victim of the yellow fever scourge of 1706. Although the opposition failed to restore the rampant Marston to his benefice, it turned upon Governor Johnson's friends, Colonel Rhett and Chief Justice Trott, cutting into the authority of the colonel as commissioner for the fortifications and attacking the validity of Trott's appointment, as deputy proprietor and councilman; declaring him to be "an unfit man for any public commission or office." The propaganda against Governor Johnson and his supporters was also actively advanced through Joseph Boone, the successor of John Ash, and champion of everything and everybody which the dissenters supported in Carolina.

The pamphlet of 1706, which bears the name of John Ash, was a collection of assorted facts which went to prove Oldmixon's sweeping assertion made only two years later. Ash died before he had completed the screed which is stamped with his name, and Joseph Boone, another implacable dissenter, assumed the task of convincing the Proprietors of the justice of his cause. But he relinquished the burden and enlisted the pen of Daniel Defoe, the great novelist and journalist, chiefly known to fame as the author of "Robinson Crusoe." The author had never lived in South Carolina, and all his material was collected from the discontented dissenters. Defoe prepared two rather solid pamphlets, one of which he entitled "Party Tyranny." As stated in his introductory remarks, it contained an abridgement of "High-Church Tyranny." Both of Defoe's fulminations and the pamphlet credited to John Ash were fiery and one-sided, and add little to the historic enlightenment of the times.

The home dissenters prepared specific charges against Trott and requested the governor and the Council to remove him from the chief justiceship. The chief executive refused to do this, claiming that the legal procedure was for the House to impeach him before the Council. Not only did the House refuse to do this, but Trott declared that he could only be tried in England before the Court of Proprietors from whom he held his commission.

At the next election the governor's party regained their control; but without going into all the details of the situation, suffice it to say that by the death of Lord Granville, in England, the influence of the "Court of Proprietors," was overwhelmingly turned against Governor Johnson, Chief Justice Trott, and all the Carolina issues they represented. Mr. Boone took advantage of the situation in the mother country to press charges against the governor, representing that he had brought chaos to both the civil and religious interests of the province; that his treatment of the neighboring Indians had made dangerous enemies of them all, and that the administration of Trott, as chief justice, was arbitrary and corrupt.

"Wherefore," concluded Mr. Boone, "your petitioner most humbly prays that your lordships would be pleased to take the calamitous state of the said province into your consideration, and to put the administration of the government there, upon such an equal foot as may be agreeable to the Royal Charter by which it is held; and the Fundamental Constitutions established by your predecessors, which encouraged some of the best inhabitants to transport themselves and families thither, and which while they were duly observed, increased the number of its inhabitants, and made trade to flourish and all the people to live happy and easy."

Another personal influence even stronger than that exercised by Boone was also being directed against the Johnson administration of both the Carolinas. It was represented in the proprietorship held by John Archdale, the Quaker and former governor. Johnson had appointed Col. Robert Daniell deputy governor of North Carolina, who had partially established the Church of England therein. The Friends, however, who were very numerous in North Carolina, had refused to take the oaths of conformity to the Episcopal Church, and had been debarred from both houses of the Legislature and all judicial office. The Quakers had also sent their complaints to England by special representative, and the offending Daniell had been removed. Even this did not appease Archdale and, in every way within his power, he opposed the governor and his administration. In all probability, Archdale knew that Johnson was slated for removal when he relinquished his title as Lord Proprietor to his son-in-law, in October, 1708.

It is said to have been somewhat of a surprise to Governor Johnson when he received a notice of his removal by the Lords Proprietors. They notified the Assembly to that effect on April 9, 1709, naming Col. Edward Tynte as governor; Col. Robert Gibbes, chief justice; William Sanders, attorney general; Henry Wiggington, secretary; Nathaniel Sale, son of Governor William Sale, receiver general; Edward Hyme, naval officer.

#### BOONE REFUSES TO SUBSTANTIATE CHARGES

In October, 1709, while awaiting the appearance of his successor, Governor Johnson reconvened the Assembly, and requested that body to call Mr. Boone before it as a court to try the charges, the "infamous libel" by which that gentleman had traduced his reputation. "My

utmost ambition, when I resign the government," he says, "is only to carry with me an unsullied reputation and the character of having acquitted myself worthy of the trust committed to me."

Farther along in his address: "It must not at the same time be denied, but that as a man, and a man almost worn out with sickness and old age, I have had my infirmities and stood in need of a little indulgence, and probably some of my most zealous designs for the good of the province had not the designed success; but let me find no favour or excuse of any person, if I am found by your strictest inquiry to have endeavored the betraying this province to the French, involving you in a war with the our friendly Indians, or any other enormous crimes raked together and penned in a style as inveterate as malice and envy could in the most bitter words be suggested or expressed."

The Commons formulated a questionnaire for Mr. Boone's benefit, but he never appeared before them to substantiate his charges.

#### OFFICIAL REPORT ON STATE OF THE PROVINCE (1708)

Several months before Governor Johnson was notified of his displacement in the governorship, an order had come from the royal government for a detailed statement as to the condition of the province. It was submitted in September, 1708, and was signed by Governor Johnson; Robert Gibbes, who was the successor of Nicholas Trott as chief justice in the following year; Col. Thomas Broughton, a strong churchman and close friend of the governor, and who afterward figured in the public affairs of the province; Richard Berresford and George Smith, all members of the council.

It appears from the report of these commissioners that the number of inhabitants of the province was estimated at 9,580, divided as follows: 1,360 free men, 900 free women, 1,700 white free children, 60 white servant men, 60 white servant women, 1,800 negro men slaves, 1,100 negro women slaves, 1,200 negro children slaves, 500 Indian men slaves, 600 Indian women slaves and 300 Indian children slaves. On account of the yellow fever epidemic, a decrease in population was noted, as compared with that of five years previously, while Indian slaves had increased between 800 and 900, on account of the successful expeditions against the French and Spaniards.

The number of militia in the province was 950 white men, with an equal number of men slaves, as, under the law, each captain of a company was obliged to enlist and train "one able bodied slave armed with a gun or lance for each man in his company." The governor's troop of guards consisted of about forty men, and the French Protestants, an independent company of Santee consisted of forty-five men, and a patrol of ten men.

The chief interest in the report centers in the paragraphs describing the commerce and trade of South Carolina at that time, which are as follows: "The commodities exported from this province to England are rice, pitch, tar, buck and doeskins in the hair, and Indian dressed; also, some few furs, as beaver, otter, wildcat, raccoon, a little silk, white oak, pike staves, and sometimes some other sorts.

"We are sufficiently provided with timber fit for masts and yards of several sizes, both pine and cypress, which may be exported very reasonable and supplied at all times of the year, there being no frost or snow considerable enough to hinder bringing them down the river.

"Other commodities, not the produce of the place, but brought here from the American islands and exported to England, are logwood, brazilletto, fustic, cortex, isleathera, tortoise shell, ambergrease and

Through the courtesy of A. N. Keller, Jr.

cocoa. From this province are exported to several of the American islands, as Jamaica, Barbadoes, Antigua, Nevis, St. Christopher's, the Virgin's, Montserrat and the Bahama Islands,—staves, hooks and shingles, beef, pork, rice, pitch, tar, green wax, candles made of myrtle berries, tallow and tallow candles, butter, English and Indian peas, and sometimes a small quantity of tanned leather. Goods imported from the foregoing islands are rum, sugar, molasses, cotton, fustic, brazil-etto, isleathera, ambergrease, tortoise shell, salt and piminto; logwood is generally brought from the Bay of Campeachy.

"We are also furnished with negroes from the American islands, chiefly from Barbadoes and Jamaica; whence also comes a considerable quantity of English manufactures, and some prize goods, viz., claret, brandy, etc., taken from the French and Spaniards.

"We have also commerce with Boston, Rhode Island, Pennsylvania, New York and Virginia; to which place we export Indian slaves, light deerskins dressed, some tanned leather, pitch, tar and a small quantity of rice. From thence we receive beer, cider, flour, dry codfish and mackerel; and from Virginia some European commodities.

"Further, we have a trade to the Madeiras (whence we receive most of our wines); also to St. Thomas and Curacoa, to which places we send the same commodities as to the other islands, excepting pitch, tar, and rice, lately prohibited; which prohibition is very disadvantageous to the trade in these parts.

"The trade of this province is certainly increased of late years, there being a greater consumption yearly of most commodities imported. And the inhabitants, by a yearly addition of slaves, are made the more capable of improving the produce of the colony. Notwithstanding it is our opinion that the value of our import is greater (if we include our negroes) than our export, by which means it comes to pass that we are very near drained of all of our silver and gold coin; nor is there any remedy to prevent this, but by a number of honest laborious persons to come among us that would consume but little, by which means the produce of the country being increased might in time make our exportation equalize, if not exceed, our importation.

"That which has been a considerable though unavoidable hindrance to the greater increase of our trade is the great duty on goods, both imported and exported, occasioned by the debts the country is involved in, by the late expedition in the time of Governor Moore against St. Augustine, and the charge in fortifying Charles Town this time of war and danger; to which may very justly be added the late prohibition of pitch, tar and rice.

"There are not above ten or twelve sail of ships belonging to this province, about half of which number were built here, besides a ship and sloop now on the stocks; neither are there above twenty seafaring men who may be properly accounted settlers or livers in the province.

"There are not, as yet, any manufacturers settled in the province, saving some particular planters, who, for their own use, make a few stuffs of silk and cotton, and a sort of cloth of cotton and wool of their own growth to clothe their slaves.

"All possible precautions are taken by this government to prevent illegal trade, the acts of trade and navigation being strictly enforced on all occasions."

#### THE INDIAN TRADE

The report next goes on to enumerate the Indians of the province under the protection of the royal government, with whom there was

more or less trade—the Yamasses, about 80 to 100 miles south from Charles Town, strong and warlike; the Savannahs, about 150 miles southwest on the river by that name—also called Apalachys—good traders; still farther westward, others of that family, all of whom were great warriors and hunters and consumed quantities of English goods; the Chickysaws, hundreds of miles to the westward, are stout and warlike, but somewhat divided in their allegiance between the English and the French, the traffic with them being more in slaves than in skins or furs.

"We have but few skins or furs from the Chickysaws," the report says, "they living so distant it will hardly answer the carriage. Slaves is what we have in exchange for our goods, which these people take from several nations of Indians that live beyond them.

"The Cherokee Indians live about 250 miles northwest from our settlements on a ridge of mountains. They are a numerous people, but very lazy; they are settled in 60 towns and are at least 500 men. The trade we have with them is considerable, they being but ordinary hunters and less warriors. There are several nations of Indians that inhabit to the northward of us; our trade with them is not much, but we are in hopes to improve it shortly.

"From the aforesaid several nations of Indians are brought and shipped for England, one year with another, at least 50,000 skins; to purchase which requires at least £2,500 or £3,000—first cost of goods in England. The goods proper for a trade with the Indians are English cottons, broadcloth of several colors, duffels blue and red, beads of several sorts and sizes, axes, hoes, falchions, small fusees, guns, powder, bullets and small shot."

#### BRIDGE TOWN AND CHARLES TOWN

From scattered fragments of information which have appeared in this narrative, it has doubtless occurred to the reader and thinker that many of the customs, not a little of the civil and military government which had been planted in South Carolina, had been imported from the Barbadoes. Many of the prominent characters which have appeared in this history were Barbadians. This truth has been plainly brought out in McCrady's pamphlet entitled "Colonial Development," as well as its corollary, that, after Charles Town had assumed a distinct type of development (which characterizes it to this day), it appeared almost a replica of Bridge Town, the English capital of Barbadoes. Even travelers of today trace a marked resemblance between the two cities.

As remarked by McCrady: "This Barbadian influence was most potent in the formation of the society of Carolina. These people brought with them a colonial society already greatly developed. They were not like the emigrants direct from England, new to colonial life and new also to the rule and management of negro slaves. To colonial ways they were accustomed, and they brought with them the laws and customs of Barbadoes with regard to slaves.

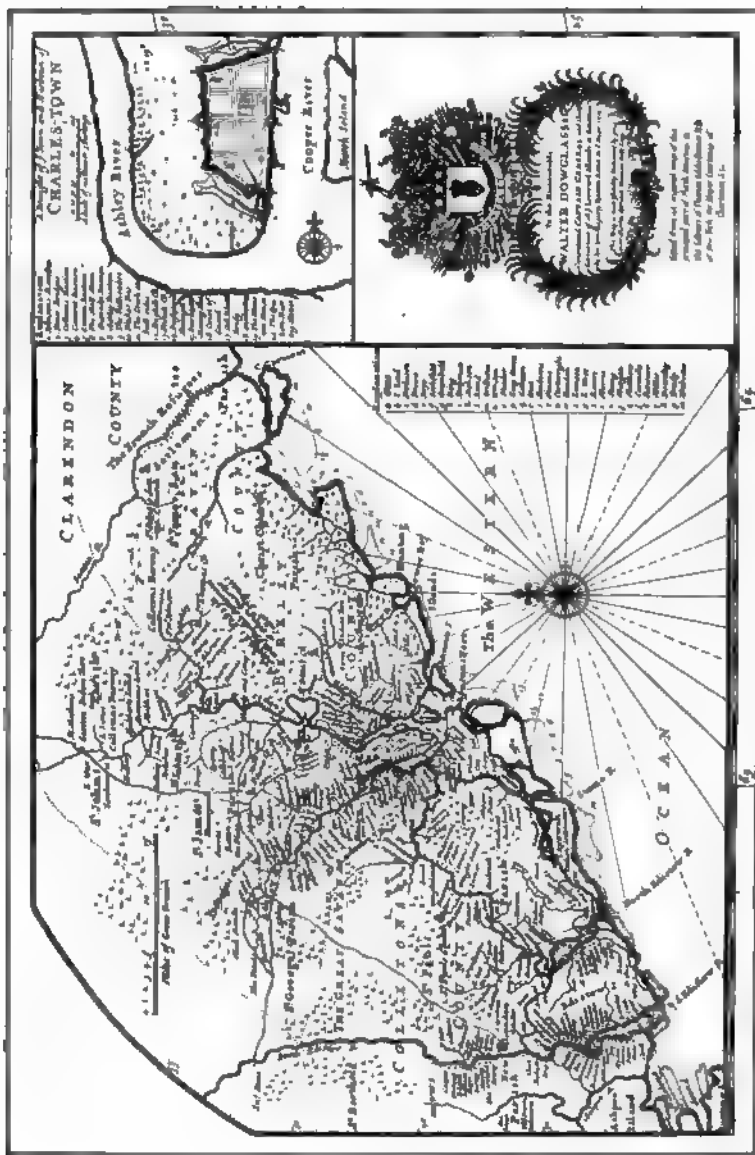
"The peculiar parish system, which existed until the late war, was derived entirely from this source. Our earliest statutes in many instances were but copies of those of that island. This is particularly true of our slave code. The English colonists who came out with Sayle were very jealous of this influence. Besides a large number of Dutch from Nova Belgia, or New York, these were the only elements of population during the first ten years of the colony, while its seat was at Old Town on the Ashley."

It is fortunate for purposes of consistency, and in order to show

the parallelism between Bridge Town and Charles Town at this point, that two travelers and observers visited the two places during the period of what may be described as the later portion of Governor Johnson's administration. It was John Lawson, the traveler and subsequently surveyor of North Carolina, who met such a horrible death at the hands of the Indians several years afterward, who visited the South Carolina capital, and the French missionary, Labat, who saw and described the Barbadian city. Lawson's "A New Voyage to Carolina," in which was published the description of Charles Town, was issued in 1709.

We again borrow from McCrady: "It happens that we have two almost contemporaneous accounts, one of Barbadoes and one of Carolina, and from these it is easy to observe the similarity of the manner of living in the two places, and then of ascertaining whence that of Carolina was derived. Pere Labat, a French missionary, visited Barbadoes about the same time as Lawson, the adventurer among the Indians, visited Charles Town. Oldmixon (1708), doubtless following Labat, says that the masters, merchants and planters in Barbadoes lived like little sovereigns in their plantations. They had their servants of the household and those of the field. Their tables were spread every day with a variety of nice dishes and their attendants were more numerous than many of the nobility in England. Their equipages were rich; their liveries fine and horses the same; their chaises and all the conveniences of traveling magnificent. The most wealthy of them, besides their land teams, had their pleasure boats to make the tour of the island in, and sloops to carry their goods to and from the Bridge, i. e., Bridge Town. Their dress, and that of the ladies, was fashionable and costly and, having been generally bred in London, their behavior was genteel and polite; in which, says the author, they had the advantage of most of the country gentlemen of England, who, living at a distance from London, frequented the world very little, and, from carousing with their dogs, horses and rude peasants, acquired an air suitable to their society. The gentlemen of Barbadoes were civil, generous, hospitable and very sociable. In short, says Oldmixon, the inhabitants of Barbadoes live as plentifully and some of them as luxuriantly as any in the world. They have everything that is requisite for pomp and luxury.

"Lawson found no such brilliant jewellers' and silversmiths' shops in Charles Town as Labat did in Bridge Town, for Barbadoes was much older and as yet much richer than Carolina; but the society they described is the same. The merchants of Carolina, says Lawson, are fair and frank traders. The gentlemen seated in the country are very courteous, live very nobly in their houses and give very genteel entertainments to all strangers and others that come to visit them. Both seem equally struck with the well disciplined militia, especially the cavalry. In Bridge Town a review was held for Pere Labat, in which five hundred gentlemen turned out, admirably mounted and armed. Lawson says that the horsemen in Carolina are mostly gentlemen and well mounted, and the best in America. Their officers, both infantry and cavalry, generally appear in scarlet mountings, and as rich as in most regiments belonging to the Crown; which, he observes, shows the richness and grandeur of the colony."



TOWN AND HARBOR OF CHARLES TOWN (1711)



## CHAPTER X

### FORMATIVE NINE YEARS (1708-1717)

The influence of the cultural spirit imported from Barbadoes, and noted in the preceding chapter, was soon to be manifested in the short administration of Edward Tynte. The provincial library established at Charles Town through the good offices of the Church of England commissary, Dr. Thomas Bray, had been in operation for ten years. With the probable exception of the Henrico library in Virginia this was the germ of the American Free Public Library; and now there was to be conceived the forerunner of even a greater institution of republicanism, the free school. Its birth was also under the sponsorship of the Established Church.

The colonies and the provinces of North America were still under the ecclesiastical jurisdiction of the Bishop of London, with commissaries for both Virginia and Maryland whose functions were purely administrative. They had the oversight of the clergy and the people, but could not consecrate, ordain or confirm. With the division of South Carolina into distinct parishes, their increase in number and the general stabilizing of the church, the Bishop of London decided to appoint a commissary for this growing section of his North American domain.

For this important office the appointment fell to the Rev. Gideon Johnson, A. M. The bishop's commissary sailed in March, 1708, and made Charles Town harbor without unusual incident. As the tide was out, the ship could not cross the sandbar, and as Mr. Johnson was impatient to land and reach his charge he ventured to town in a small sloop with three other passengers. A sudden squall drove the little boat on a small island, and the accounts differ, from two to twelve days, as to the length of time the distressed party remained there before they were rescued. One of them, a sailor, who attempted to swim to the mainland, was drowned; and Mr. Johnson's health, which was rather feeble, was much injured by the exposure.

This physical experience was not calculated to put Commissary Johnson in a happy frame of mind, and what happened when he reached Charles Town but added to his troubles. He found that one Richard Mardsden, who had claimed to be an Episcopal clergyman in good standing with his letters lost at sea, was attempting to keep him out of the St. Philip's benefice, and was very busy raising enemies against him. Mr. Johnson, who had been recommended to the Bishop of London by the Archbishop of Dublin, was naturally pugilistic and his temper probably had not been improved by his experience off Charles Town harbor. Further, he entered his assigned field in the midst of the fierce contentions over the church acts; in feeble health, with a large family, and, as he soon complained, depending on a stipend insufficient to meet the cost of living which was higher than either in England or Ireland. Neither did he add to the smooth sailing of his career by assuming a bitterly hostile attitude toward the administration in power.

## INSTRUCTIONS TO GOVERNOR TYNTE

Col. Edward Tynte was commissioned governor of North and South Carolina on December 9, 1708, but did not actually enter upon his duties until February, 1710. He was given the usual set of instructions, which were always applied—if the prevailing circumstances made them applicable—and was endowed with the power, with the consent of at least four of the deputies, to dissolve the General Assembly at will, and to fill all vacancies in office caused by death or removal. William, Lord Craven, who had been Palatine for four years in succession to Lord Granville, deceased, and one of the most honored of the Lords Proprietors, gave this good advice to Governor Tynte as he was about to enter upon his brief gubernatorial career: "We earnestly request your endeavors to reconcile the minds of the inhabitants to each other, that the names of parties, if any yet remain amongst you, may be utterly extinguished. For we can in no ways doubt but their prosperity will most effectually render Carolina the most flourishing colony in all America."

The recommendation of His Lordship to utterly extinguish all existing parties in South Carolina was wise, but "an iridescent dream" in that day as in this, and totally opposed to the disposition of the average Englishman and Irishman. But the General Assembly which convened in April, 1710, a few weeks after the arrival of the new governor, was not specially contentious, and was chiefly concerned in administrative details in connection with the church. The only minor act that vitally concerns the progress of this narrative was the one stating that "the present rector of St. Philip's, Charles Town, the Rev. Mr. Gideon Johnson, having a numerous family, shall have fifty pounds per annum added to his salary for so long a time as he continues minister of the said parish."

The great measure of the session held in April, 1710, and which, in the opinion of McCrady, renders Tynte's administration illustrious, was "An Act," which appears to have passed without debate or question, "for the Founding and Erecting a Free school for the use of the Inhabitants of South Carolina." The preamble to the act indicates that, notwithstanding party turmoils, personal disputes, internal dissensions and external wars with Indians and whites, the free education of the resident youth had been a subject of profound interest among the best people of the province. "Whereas," it reads, "it is necessary that a Free School be erected for the instruction of the youth of this province in grammar and other arts and sciences and useful learning, and also in the principles of the Christian religion; and whereas, several charitable and well disposed Christians by their last wills and testaments have given several sums of money for the founding of a free school, but no person as yet is authorized to take the charge and care of erecting a free school according to the intent of the donors, and to receive the said legacies if tendered, nor to demand the same in case of refusal to pay the same; so that for want of some person or persons or body politick or corporate power for the lodging the said legacies therein, the same are not applied according to the pious and charitable intention of the testators or donors; be it therefore enacted," etc.

Although there was a general demand for a public school among all classes and creeds, it is known that the Episcopal Society for the Propagation of the Gospel was largely the power behind the movement which resulted in the legislative enactment which created a body of citizens empowered to handle the means which had already accu-

mulated in promotion of the cause of free education. The commissioners appointed for that purpose, under the act of 1710, were Gov. Edward Tynte, Col. Thomas Broughton, Landgrave Joseph Morton, Col. George Logan, William Gibbon, Richard Berresford, Arthur Middleton, Capt. John Abraham Motte, Col. Hugh Grange, Ralph Izard, Lieut. Col. Alexander Parris, Lewis Pasquereau, Dr. Gideon Johnson, Dr. Francis Le Jau, Alexander Wood and Nicholas Trott (then without office).

As stated by McGrady: "These commissioners comprising the leading men of all parties in the province—churchmen, dissenters and Huguenots—were incorporated for the better support and maintenance of masters or teachers for the school, and for the erecting of schoolhouses and convenient houses for the accommodation of the masters and teachers. They were to meet annually on the second Tuesday in July to choose officers.

"Col. Edward Tynte, governor, was made the first president and required to summon the first meeting. All gifts or legacies formerly given for the use of a free school for the province were appropriated by the act for the school to be founded under it. The commissioners were authorized to take up by grant from the Proprietors or purchase as much land as they should think necessary. They were given power to appoint a fit person to be master of the school by the name and style of Præceptor and Teacher of Grammar and other arts and sciences. The person to be master of the school was required to be of the religion of the Church of England and conform to the same, and should be capable to teach the learned languages; that is to say, the Latin and Greek tongues and also the useful parts of mathematics. The commissioners were to prescribe such orders, rules, statutes and ordinances for the order, rule and good government of the school and of the masters and teachers as should seem meet and convenient to them."

#### FIGHT BETWEEN GIBBES AND BROUGHTON

It was only a few weeks after the passage of the Free School Act that Governor Tynte died, and there was an immediate scramble for his seat on the part of the deputies who were then within the province. There happened to be three—Robert Gibbes, Colonel Broughton and Fortescue Turbeville, the last named the representative of the Duke of Beaufort; their votes were to elect Governor Tynte's successor, from their own number. Meetings to determine the matter were held morning and afternoon, and at the latter session Gibbes was pronounced elected. Turbeville died soon afterward and among his effects evidence was found that he had voted for Broughton at the morning session, and in the afternoon had been bribed to cast his ballot for Gibbes. Thereupon, Colonel Broughton claimed the governorship and the fight between him and Robert Gibbes was on.

As Gibbes had already entered into possession of the office he held the upper hand from the first, and was supported by the Charles Town militia. Broughton collected a number of armed men from his plantation, and after much skirmishing for position and show of conflict on both sides, with proclamations and counter-proclamations thrown in, the rivals compromised by agreeing to the continued administration of Gibbes, pending a permanent settlement of the controversy by the Lords Proprietors. When the facts were laid before the Proprietors' Court, it was decided that Colonel Gibbes had been guilty of bribery and had held the governorship illegally, but as the Proprietors had already determined to appoint Charles Craven, a brother

of the Palatine, the doughty Colonel Broughton plucked no practical fruits of victory. He had the further satisfaction, also, of seeing Gibbes' entire salary cut off, although he administered the government until the end of the year 1711.

In the same month that the Lords Proprietors found Gibbes a usurper of the gubernatorial office through bribery, and cut off his salary, they gave directions for the building of a commercial port upon the Port Royal River and Island in Granville County.

Although the English grantees cannot be supposed to have been much affected by the tragic and romantic interest attaching to Ribault's attempted settlement nearly one hundred and fifty years earlier, yet the successful project of 1711 was an instance of a dream coming true. There had been an earlier attempt by Lord Cardross, as already narrated, to settle Port Royal Island with Scotch emigrants, and they had named it "Stuart Town." The Hon. H. A. M. Smith says: "Its exact site is unknown and its existence soon terminated. In 1686 the Spaniards from St. Augustine with negro and Indian auxiliaries suddenly invaded the province; fell on the settlement at Port Royal; killed and captured many of the settlers and dispersed the remainder." In the opinion of Judge Smith, the claim that the town was named Beaufort in compliment to one of the Lords Proprietors, is "a plausible inference but not supported by any contemporaneous record to that effect." The natural advantages of the harbor and the adjacent waters and territory had been always recognized; the back country had finally realized a substantial development. As the Proprietors now alleged, that locality was "the most proper place within the province for ships of great burdens to take in meats, pitch, turpentine and other naval stores for the use of Her Majesty's fleet." Thus was founded Beaufort Town, which, although much smaller than Charles Town, was long its intellectual and aristocratic rival.

Before the conclusion of the year 1711, two schools of a "public" character were also established in St. Philip's parish, Charles Town, and St. James, Goose Creek. This scarcely could have been, without the support and active assistance of the Society for the Propagation of the Gospel. They were not altogether "free schools," as only a limited number of scholars were educated without pay; but still an effort was being made in the direction of public education as we know it today. It will be remembered that the famous Latin School of Boston, the alleged beginning of the public school system in this country, was "chiefly noted for its Latin course and each pupil paid about five dollars a term." The St. Philip's school was maintained until the Revolutionary war. At the urgent request of the missionaries of the Society for the Propagation of the Gospel and many other gentlemen of the province, that organization sent to Charles Town the Rev. William Guy, who was to act both as master of the St. Philip's school and assistant to Dr. Gideon Johnson. With Mr. Guy came Rev. Benjamin Dennis, the St. James schoolmaster. At this time, also, plans were being matured for the building of the new brick church of St. Philip's, made necessary by the increase of the congregation.

In September, 1711, occurred the terrible massacre of the whites near the Neuse River, by the Tuscarora Indians, who had been led to believe that their lands were threatened by the Swiss colonists then locating under the leadership of Baron Christopher de Graffenried and Lewis Mitchell, or Louis Michell. The warrant for the survey of the lands, which covered more than 13,000 acres, had been granted to John Lawson, then surveyor of North Carolina. In laying out these



NEW ST. PHILIP'S CHURCH (BEGUN IN 1710)

lands, he is said to have unwittingly encroached upon the hunting and fishing grounds of the redmen, and it is claimed that their suspicions and anger were intensified by members of a political faction whom the baron had offended. Unfortunately both De Graffenried and Lawson exposed themselves to the incensed Indians, during an exploring expedition up the Neuse River. They were captured by the Tuscaroras, Lawson was put to death by the most fiendish tortures and the baron narrowly escaped a like fate.

#### EXPEDITION UNDER JOHN BARNWELL

A general and awful massacre of the settlers in that section of the Albemarle country quickly followed, the bloodiest of the three days' slaughter September 22, 1711. The details of that horror pertain to the history of North Carolina. Governor Hyde at once called upon Virginia and South Carolina for assistance and the means to avenge the deaths of the slaughtered whites. The Assembly of South Carolina offered to go to the relief of its distressed neighbor by sending an expedition of Indian warriors under John Barnwell, a gentleman originally from Dublin who had already figured in provincial affairs as deputy secretary, comptroller of the colony, and as a gallant soldier in the defence of Charles Town against the French invasion.

Colonel Barnwell promptly set out with his force of a few militiamen and about 525 Indians—mostly Cherokees, with a mixture of Creeks, Catawbias and Yamassees—and took up his long march through the wilderness between Charles Town and the Neuse River. He finally effected a juncture with a small force which Governor Hyde had collected, with provisions for the entire expedition. The Indians retreating before the advancing troops, Barnwell did not overtake them until January 28, 1712, more than two months after he had left Charles Town. At that point the Tuscaroras received reinforcements and, thinking they were strong enough to give battle to their enemies, marched out to meet them.

But Barnwell was no man to calmly await such an attack; instead, he made a furious assault with his mixed forces and defeated the Tuscaroras with great slaughter. It is known that 300 of the enemy were killed and 100 made prisoners; how many were wounded, or afterward died of their wounds, was not ascertained. The survivors then retreated into their fort and were surrounded by the whites. It was at this point, with the Tuscaroras apparently at the mercy of the Barnwell forces, that Carolina historians disagreed, for many years, as to what course the commander of the expedition should have pursued. What he did, was to grant the Tuscaroras a treaty of peace, and to send to Charles Town for a sloop to take home his disabled men and himself, for he too had been wounded, while his Indian allies retraced their line of march to South Carolina.

It was developed about twenty years ago, through copies of letters from John Barnwell, found among the "Ludwell MSS." and preserved by the Virginia Historical Society, as well as from manuscripts prepared by Baron de Graffenried discovered in Switzerland, that Colonel Barnwell decided not to assault the fort because he was convinced that if he did, the white prisoners held therein by the Tuscaroras would be massacred.

In an introduction to the republication of the Barnwell letters in the South Carolina Historical and Genealogical Magazine of January, 1908, Hon. Joseph W. Barnwell says: "The account given by Barnwell

in his letters of the government of North Carolina, whether justified or not, shows the friction existing between himself and the ruling party there. On their part they did not hesitate to make accusations of bad faith against him. Doctor Hawks is of opinion that the quarrel between them arose from the friendship between Barnwell and Moseley, who belonged to the opposing faction of North Carolina, and General McCrady adopts this view.

"Criticisms have also been made of Barnwell because his Indians, after the conclusion of the treaty, dispersed and captured some of the North Carolina Indians. McCrady points out that precisely the same thing happened with Moore's Indians upon his expedition. The reader of these letters will not be surprised that such troops were not kept under control.

"The journals (MS.) of the Commons House of Assembly of South Carolina show that on his return Colonel Barnwell was instrumental in having the second expedition sent, advising that a force of white men accompany the Indians, 'being of opinion that our Indians will never of themselves attempt the taking of any fort without they are led by a considerable number of white men.'"

#### CHARLES CRAVEN ASSUMES ADMINISTRATION

When Charles Craven assumed the government of the province in the early part of 1712, he was well informed as to the home affairs, since he had served for more than a year as secretary. When the Assembly met in April of that year, the new governor spoke of the internal affairs of the province, especially the contentions over church matters, with conservatism and charity. While promising to advance the establishment of the Church of England, at the same time he promised that his temper would always incline him "as a fellow Christian to show the greatest tenderness to those who are under the misfortune of dissenting from her, and to do nothing that may seem to endanger them that liberty. It were to be wished indeed that we could all be of one opinion; but that is morally impossible. But in this we may all agree—to live amicably together, consult the common good, the tranquillity of our province and the increase of its trade." And these were no empty words, as his subsequent course proved.

In his address to the Assembly, Governor Craven also expressed his surprise that no tidings had yet been received of the expedition which had been dispatched under Colonel Barnwell to North Carolina; in fact, the welcome news of the Tuscaroras' defeat did not reach Charles Town until the following July, when the sloop was dispatched for the wounded commander and his disabled men. In the meantime, in the spirit and letter of the governor's address, work was resumed on Fort Johnson and the town fortifications, and church matters were taken up in line with the conciliatory and Christian temper evinced by this true nobleman, whose coming inaugurated a fine—and all too brief—era in the history of the province.

Among the most noteworthy measures passed during Governor Craven's administration were those creating commissioners to settle all differences concerning the election of ministers of the Established Church; denying the privileges of the Provincial Library to those who were careless about the care of the books they borrowed; providing various means of remuneration for John Douglass, master of the Charles Town grammar school, and Benjamin Dennis, schoolmaster for the parish of St. James, Goose Creek; putting a quarantine law in operation, through a health officer of the port, who was empowered

to board all vessels that came over the bar of Charles Town, make a strict examination of passengers, and, in case of death by malignant disorders during the voyage, to order the vessel to lay off Sullivan's Island for twenty days and to send any infected passengers to the pest-house thereon; a code of strict Sunday laws, which might have been passed by Puritanical Massachusetts, and the revision and remodelling of the poor laws; steps looking to the continuance of the bounties on imports of pitch, tar, turpentine and other naval stores, and last, and greatest of all, the passage of "An act to put in force in this Province the several statutes of the Kingdom of England or South Britain therein particularly mentioned."

#### TROTT'S APPLICATION OF ENGLISH LAWS TO CAROLINA

The instrument by which this great boon to the stability of the entire system of jurisprudence and legal procedure was realized, was provided through the energy, learning and practical ability of Nicholas Trott, who, with all his faults of intrigue and bitterness, was undoubtedly one of the most remarkable men produced during the proprietary period of South Carolina. His honesty had more than once been called in question; his intellectual and legal ability, never, and this great work by which the fundamental English laws were first practically and specifically applied to provincial affairs carried his renown even to the hoary and dignified courts across-seas. Trott's revision and application were accomplished not long before the commencement of his second term as chief justice, and while he held no judicial office.

The English statutes selected, and modified occasionally, when they could not otherwise be applied to home matters, were 167 in number, and it was provided in the act that the common law of England, when it was not altered by the statutes enumerated, or inconsistent with the constitutions and customs of the province, was to be in full force in South Carolina; there was also excepted that portion of the English common law relating to matters ecclesiastical which was inconsistent with the provincial statutes relating to the Established Church and complete liberty of conscience. Considering the broad scope and radical nature of the enactment, and the work and thought involved on the part of Trott, it seems very inadequate for the unusually brief preamble to state that "many statute laws of the Kingdom of England or South Britain by reason of the different way of agriculture and the differing production of the earth of this Province from that of England are altogether useless, and many others (which otherwise are very apt and good) either by reason of their limitation to particular places, or because in themselves they are only executive by such nominal offices as are not in, nor suitable for the constitution of this government, are thereby become impracticable here."

Under the act, the governor, with his Council, was constituted a Court of Chancery, with the same powers as those exercised by the lord chancellor or lord keeper of the Great Seal of Great Britain in England. The courts of record in the province were to have the powers of the King's or Queen's courts.

This important measure carrying with it the groundwork of all subsequent legislation on statutory enactment in South Carolina was read in the Assembly for the first time on Wednesday, November 26, 1712; was immediately passed, with minor amendments, and sent to the governor and his council, and, after the required three readings, was finally ratified on the 12th of December, about two weeks after its introduction by some unknown member of the lower house. At



first, the upper body suggested a careful examination of the act and embodied statutes, but the prompt passage of the measure through both houses, with the approval of Governor Craven, indicates a change of mind—probably occasioned by a cursory examination, a consequent realization of the magnitude of the proposed task, and a final decision to let Trott's well-enough alone.

But Justice Trott did more. He collected and digested the provincial laws, accompanying the compilation with notes, references and tables. His work was formally adopted by the Assembly as "a good and lawful statute book of this province in all courts and upon all occasions whatsoever as the statute book of the laws of Great Britain is deemed, held and taken in that kingdom." The author was allowed £250 for his manuscript copy of the provincial Digest, which was deposited in the public archives and is now in the office of the secretary of state. On account of a shortage of provincial funds which could not be then applied to such purposes, the work was not printed until 1736.

McCrary, a distinguished lawyer who does not hesitate to criticise and condemn many acts in Trott's political career, pays deserved tribute to the great lawyer for this "for the time stupendous work." He reviews the "compilations, or collections as they were sometimes termed of the colonial statutes and laws in force" in Massachusetts, Virginia, Connecticut, New York, Pennsylvania, New Hampshire and New Jersey, and concludes that Trott not only made such a compilation of South Carolina statutes, but what was far more important and unattempted in any other province he actually revised "the whole body of the statutory law of England." He "made selections from it of such statutes not only as were then applicable to the condition of the colony at the time, but which would become so on its further development."

In a word, through the energy, fairness and ability of Governor Craven and Nicholas Trott, the province had been provided with a code of laws which conformed, as near as possible, to the statutes of the mother country, and also made accessible the enactments which applied especially to home affairs. The Fundamental Constitutions were "out of commission."

#### FAILURE TO STABILIZE THE CURRENCY

On the whole the executive and the legislative acts connected with the Craven administration were approved, both by the people and the Lords Proprietors, to a degree not reached by any other occupant of the uncomfortable chair. But one of the measures which he promoted was severely criticised although as a temporary expedient for financial relief it was undoubtedly advised by the leaders of the people generally. Upon several occasions, in order to pay such extraordinary expenses as those incurred by the Indian and Spanish wars, the assembly had authorized the issue of stamped bills of credit, current paper money or currency. As the necessities of the government increased, fresh issues were emitted, with a depreciation in value as compared with the sterling money of England. Such issues had been founded upon nothing but the credit of the provincial government, but in 1712 it occurred to Governor Craven that he might relieve the financial stringency of the situation by issuing bills of credit secured by the substantial value of the productive rice lands. The land bank thus founded under his patronage, and that of the Assembly, put out an issue of bills of credit called bank bills amounting to £52,000. The

money was to be loaned to such of the people as could give the requisite security and agree to pay one-twelfth of the principal annually, with interest. The rate of exchange and the price of produce quickly increased, with a consequent depreciation of the currency and a loud remonstrance from the London merchants and the Lords Proprietors. The bulk of the censure fell upon Governor Craven.

The second and final expedition against the Tuscaroras of North Carolina occurred in the winter and spring of 1713, and resulted in their expulsion from that state and their departure for New York to make the Sixth Nation of the Iroquois. Immediately after Colonel Barnwell left the northern province, the hostile Indians had resumed hostilities with greater ferocity than ever. The governor of North Carolina again appealed to Virginia and his southern neighbor.

J. W. Barnwell says that "Governor Spotswood of Virginia finding that no security could be given for repayment of the expenses of sending troops to the scene of action, confined his aid to a dispatch of much needed clothing, and to the use of his influence with the Northern Tuscarora tribes to keep them from joining their more southern brethren." South Carolina did not look for financial "security," Governor Craven responding promptly by sending an expedition under Col. James Moore, son of the late governor of that name. Colonel Barnwell was still disabled by his wounds from which he never fully recovered, but warmly co-operated with the governor and House "about the ways and means" to prosecute the war.

Colonel Moore's force comprised forty white men and about 800 Indians, but, on account of heavy snow storms and other delays, had advanced but a short distance beyond the Neuse by February, 1713. On the 20th of March, the expedition came up with the enemy near what is now the village of Snow Hill, Greene County, where they had constructed a fort and into which they had retired. Moore laid siege to the place and carried it, killing a large number of the Tuscaroras and taking 800 of them prisoners. Moore lost but 58 men, of whom 36 were Indians. The sequel: "The South Carolina Indians, acting precisely as they had done under Barnwell in the previous expedition, secured as many slaves among the captured as they could, and forthwith set out for Charles Town, but 180 remaining with Moore. Small as was his force, Moore, in conference with Governor Pollock, determined to keep it in the settlement and to follow up the blow with another. But the enemy were too much intimidated to afford an opportunity. Such as escaped from Nahucke fled to another fort about forty miles distant, but did not dare to await there Moore's approach. They abandoned the fort. The greater part of them ascended the Roanoke and, finally leaving the province, joined the Five Nations of the Iroquois in New York, thereby making the Sixth."

#### TROTT BECOMES THE GREAT MAN OF SOUTH CAROLINA

It was during the year of the final expulsion of the Tuscaroras from North Carolina that Nicholas Trott, his reputation in the field of law and jurisprudence so greatly enhanced by his professional works, again assumed the chief-justiceship of Carolina, and applied to the Lords Proprietors for leave of absence in Great Britain. This was granted by Governor Craven and his Council, his commission and salary to continue during his absence. It is known that he was in London in the following year (1714), and on September 8, 1714, when King George was proclaimed as successor to Queen Anne, Trott was made the most influential man in South Carolina, through his influ-

ence with the Lords Proprietors and his acknowledged abilities. He was made a member of the Council, and without his presence, there could be no quorum for the transaction of business; their lordships were to consult him upon every proposed measure and he was to keep them thoroughly informed as to provincial affairs; his emoluments, and powers as chief justice were increased; the lords ordered two transcripts of his compilation of laws to be made, one for them and one for himself, for which he was to be paid, and Sir John Colleton appointed him his deputy and his son-in-law, William Rhett, then speaker of the assembly, receiver general.

When Trott arrived in the province armed with these overwhelming powers, there was a united protest from the governor, Council and most of the members of the Assembly. Governor Craven declared it to be "a power in one man not heard of before," and Joseph Boone, the leader of the dissenters, and Richard Berresford, a churchman, were sent to England to protest against this extraordinary grant of powers and to obtain redress on other matters which were vexing the people. The Assembly's instructions to these agents concluded with this sentence, prescient and significant of future action: "And in case the Proprietors do not redress our grievances after all necessary measures have been taken with them, we direct you to apply yourselves to a superior power in order that the same may be redressed."

#### THE YAMASSEE MASSACRES

The last year of Governor Craven's administration was largely occupied with the prosecution of war against the Yamassees, an Indian tribe which had turned against their former friends, the Spaniards, and removed to South Carolina. Although during Queen Anne's war they were ardent allies of the English, they had gradually been drawn away from the Carolina interests by encroachments on their lands, enslavement of some of their number, immoralities on the part of the whites, and commercial and trade abuses—all of these wrongs having been magnified by the intriguing Spaniards. Whenever the chief warriors of the Yamassees visited St. Augustine, they returned to the Pocotaligo country loaded with presents, such as trinkets, clothing and firearms. At the same time, they renewed their assurances of friendship with the governor, and the Carolinians were loth to believe the rumors of a growing feeling of hostility against them, and a return to an alliance with the Spaniards from whom they had so long been severed.

At length came positive warning. One of the Yamassee chiefs, who had become a close friend of John Fraser, a Scottish trader, on his return from one of these journeys to St. Augustine, stopped at the house of his white brother and assured both him and his wife, in the most sacred manner known to his race, that a massacre of all the English had been determined upon by the Yamassees, who, with the Creeks and the Cherokees, were uniting with the Spaniards. He therefore urged the Frasers to fly with all haste to Charles Town and offered them the use of his canoe for the purpose. This they did—unfortunately without communicating the intelligence they had received to others—nine days before the massacre commenced.

Vague intimations of the approaching danger, however, had reached Governor Craven, who dispatched Captain Naire, agent for Indian affairs, and John Cochran, also well acquainted with the Indians, to the chief warriors at Pocotaligo, in order to learn the causes of dis-

satisfaction under which the Yamassee<sup>s</sup> labored and, if possible, adjust all differences.

"The Indians feigned a friendly disposition, at night prepared a good supper for their visitors, and Captain Naire and his party went to sleep in apparent tranquillity. But at the break of day, April 15, 1715, the massacre began. The round-house or council room was beset. Captain Naire, John Wright and Thomas Ruffly were murdered. Mr. Cochran, his wife and four children, were at first kept prisoners and afterward slain; Seaman Burroughs, a captain of militia, a strong and active man, rushed through the midst of his assailants and escaped, though wounded on the cheek. Swimming the river and running several miles, he gave the alarm to the planters in the neighborhood of Port Royal. In the meantime the houses of all the traders and the other whites in Pocotaligo were attacked, and more than ninety persons there and on adjacent plantations fell victim to the fury of the savages."

"The Indians divided themselves into two parties; one attacked Port Royal and the other St. Bartholomew's. Fortunately, a merchant ship happened to be in Port Royal, on board of which the Rev. Mr. Guy, with most of the inhabitants of St. Helena, about 300 in number, took refuge by the timely warning of Mr. Burroughs. While only a few families were here massacred, in St. Bartholomew's about 100 people fell into the hands of the Indians who came down as far as Stono, burning churches and houses on their way. The Rev. Mr. Osborn and some others escaped to Charles Town. Mr. William Bray, his wife and children and several others, finding friends among the Indians, were at first spared, but while attempting to escape were put to death."\*

In this emergency, Governor Craven showed himself a man of cool head and prompt and brave in action. He appointed Robert Daniell his deputy and left him to protect Charles Town, which was now well fortified, and himself took the field for Pocotaligo at the head of a troop of horse and volunteers numbering about 240 men. At the same time he dispatched a courier to Colonel Mackay ordering him to raise what forces he could in the interior and proceed by water to Yamassee Town, where the expedition was to unite. The governor's party was attacked early the next morning within sixteen miles of the enemy's town by about 500 Yamassees. Though the Indians were routed, it was thought best to return to Charles Town, as the white force was without guides and the country was swarming with savages.

Colonel Mackay also drove the Indians from their town. The parish of Goose Creek after a long and obstinate engagement was finally cleared of the Yamassees, after they had committed several murders, by the militia of the district under Captain George Chicken. All the plantations and settlements save those within twenty miles of Charles Town, were now deserted. It was evident that the Catawb<sup>as</sup>, the Congarees and the Catawb<sup>as</sup> were also in the conspiracy against the English, which extended from St. Augustine to Cape Fear and is said to have embraced some 10,000 warriors, though it may be questioned whether so many warriors were available. Opposed to them could be mustered from the Carolina militia some 1,200 men.

#### LORDS PROPRIETORS POWERLESS TO ASSIST

The Governor's action in proclaiming martial law was confirmed by the Assembly, as well as the impressment of all ships, provisions

\* McCrady's "History of South Carolina."

and stores for the public service and defence. Governor Craven told the Assembly that appeals for assistance in this crisis, which threatened the very existence of the English colonies and provinces of the south, must be sent to Virginia and New England, as well as to the new monarch. The appeal overseas was laid before King George, who transmitted it to the Commissioners of Trade and Plantations, who, in turn, passed it over to those supposed to be most immediately concerned and responsible, the Lords Proprietors. The Proprietors reported, to their great grief, that they could not render the required assistance, and subsequently petitioned the king for the means with which to provide the province with arms and ammunition, offering their charter as security for such advances. Different Proprietors appeared before the Board of Trade and Plantations, which was the means of communication between them and his Majesty, and various other means were suggested, such as the rice harvest, in order to furnish the royal treasury with sufficient security.

There was much other talk back and forth, and finally the Board of Trade and Plantations suggested a surrender of the proprietary charter, and as the provincial agent, Landgrave Abel Kittleby, together with the London merchants trading with South Carolina, had made a strong appeal to the Crown for direct intercession at this critical time, when the Lords Proprietors admitted they were powerless, it seemed more and more evident that the years, if not the days, of the proprietary government were numbered.

#### HOME ASSISTANCE

Tiring of this bickering back and forth, in England, which brought no tangible aid against the attacks of organized savage tribes, Governor Craven turned to New England, Virginia and North Carolina. He sent Francis Holmes to New England to purchase arms with the £2,500 which the Assembly had appropriated for that purpose, and Arthur Middleton was dispatched to Virginia. As usual, North Carolina generously responded, sending fifty men in command of Maurice Moore, a brother of the South Carolina colonel, as early as May, 1715. The North Carolinians "marched from Charleston not only to Augusta but far into the country of the Appalachees."

The next month, June, a royal ship arrived from Virginia with 160 small arms and ammunition, and shortly afterward 120 men were added to the North Carolina reinforcements. The North Carolina men were sent in a spirit of neighborly helpfulness; Virginia was more thrifty, sending its soldiers at a charge of \$4 per month per man, with the added stipulation that, in consideration of the aid extended, South Carolina should pledge the payment of its current debt to the Old Dominion. Governor Spotswood's first amazing proposition was that "for every man sent Governor Craven should return an able bodied woman who should continue in Virginia all the time the men sent were absent," South Carolina to pay all cost of transportation. This arrangement was obviously impracticable. Altogether Virginia's cold-blooded terms were in sharp contrast with North Carolina's, and would seem to invite criticism of what the poet called:

"The knightliest of the knightly race,  
That rode with Spotswood round the land."

Governor Craven had organized the forces of the province by the appointment of James Moore as lieutenant general; John Barnwell, as

colonel, and Alexander Mackay, as lieutenant colonel. The militia was divided into companies of sixties, commanded by captains and lieutenants and comprised 600 whites and 400 negroes. The women and children had all been brought under the protection of the fortifications of Charles Town, and the governor himself had gone into the Santee country to organize his forces for an advance in that direction. While thus engaged, a combined force of Yamassees and Apalachians destroyed some of the plantations in the lower part of the province, killing several men, and at the approach of Craven's men fleeing across the Edisto. A later expedition dispatched by him, pursued remnants of the defeated tribes into the far Cherokee country of western North Carolina. Although this terrible uprising brought to the settlers of South Carolina a loss of 400 lives and at least £10,000 in property, their campaign taught the enemy a lesson and never again did they organize a formidable conspiracy and threaten the populous and prosperous coastal regions of the province.

Until the security of South Carolina from this outward menace was assured, Governor Craven did not take advantage of an invitation from the Lords Proprietors, extended in March, 1713—in view of the death of Sir Anthony Craven—to return to England, pending the assumption by Robert Johnson, son of Sir Nathaniel, of the gubernatorial office. His mind at rest regarding the Province's direful extremity, the governor appointed Col. Robert Daniell his deputy and departed for his home country on April 25, 1716.

#### TRAGIC DEATH OF REV. GIDEON JOHNSON

Governor Craven left South Carolina with a record and a character which had won him numerous warm friends. Even the quarrelsome Rev. Gideon Johnson, commissary of the Bishop of London, was one of the most steadfast. That gentleman, gouty, broken in health and partially helpless, had boarded a sloop with thirty other of Craven's friends and supporters, and together the governor's party sailed toward the bar, outside of which was anchored the man-of-war which was to take their brave and beloved leader to the mother land. Having bidden Craven Godspeed, the escorting party again boarded their little sloop and headed for the harbor of Charles Town. But a storm arose, overturned the boat, and poor Mr. Johnson, lying in the hold, was drowned. The other gentlemen were saved. The sloop was afterward driven before the storm against the same sandy shore which had been the scene of the clergyman's sufferings when he arrived in Carolina; and there his body was recovered.

Col. Robert Daniell acted as governor of South Carolina from the time of Craven's departure until the arrival of Robert Johnson in the fall of 1717. The General Assembly met shortly before the governor left, in March, 1716, and addressed a letter to Messrs. Boone and Berresford, its special agents in England, strenuously urging them to press their appeal to His Majesty to take over the government of the province in order to save its very life. It had incurred a war debt of £150,000, the forces of North Carolina and Virginia had gone home, and the latter was vigorously, not to say bitterly, pressing the collection of the debt, which South Carolina could not pay.

Mr. Berresford thereupon presented a memorial to the Lords Commissioners of Trade and Plantations setting forth in detail the condition of the province, and various merchants trading with Carolina had also laid petitions before the House of Commons asking direct assistance from the Crown. All these appeals from South Carolina were

of the same tenor, viz., that the Lords Proprietors were powerless, or unwilling, to render the necessary protection to their outpost province of such potential natural wealth and valuable actual commerce, and not only for its own preservation, but for the protection of the greatest countries of His Majesty's domain in North America, it was necessary that the Crown assume the direct government of the Carolinas.

#### YAMASSEE LANDS THROWN OPEN TO SETTLEMENT

In the meantime, Deputy Governor Daniell was busying himself at home in order to improve conditions with the means at hand. The treacherous Yamassee had been expelled, and it was obviously the part of practical business to get their lands settled by productive residents. Therefore, the first act of the Assembly under Daniell was to open these lands to settlers from abroad. The limits of this rich territory, which had been occupied by the Yamassee since 1707, were the Combahee River on the northeast, the marshes and islands along the courses of the Coosaw and Port Royal rivers on the southeast, the Savannah River on the southwest, and a line drawn from the headwaters of the Combahee River to Fort Moore, on the Savannah, on the north.

The former Yamassee lands, the limits of which were thus defined, were thrown open to all Protestants who might emigrate from Great Britain or Ireland, or any of His Majesty's plantations in America. The grants, limited to 300 acres of river land and 400 acres of back land, were to be confined to actual settlers, who were obliged to retain them for at least seven years, at the rate of 12 pence quit-rent per 100 acres and £3 purchase money for the same acreage—such payments to be made within a period of four years and six months.

Measures were also enacted providing bounties as an encouragement to the importation of white servants, by which it was hoped the province would be provided with a force of dependable whites as a means of protection against the Indians, and also to offset the alarming increase of negro slaves. Planters were required to take one white servant so imported for every ten slaves he owned. Heavy duties were also imposed on imported negroes, as well as on liquors and various other goods and merchandise. Three pounds current money per head was levied on every negro slave over ten years of age imported into the province from Africa, and £30 per head for all such imported from any of the other provinces or colonies. The act recited that none of the servants so imported "be either what is commonly called native Irish, or persons of known scandalous characters or Roman Catholics."

Two issues of bills of credit were authorized by the Assembly—one to defray the expenses of the war with the Yamassee, and the other to pay His Majesty for the thirty Scotch rebels whom Governor Daniell had purchased as a part of the Carolina home guard.

#### BARBADOES ELECTORAL SYSTEM INTRODUCED

In view of the fairly settled state of affairs at this time, and the absence of any immediate source of danger from Indian uprisings, the Assembly also again assumed the old-time task of providing some convenient means of voting. When all those who had the right of suffrage came to Charles Town, it was not only inconvenient, but made it possible for the designing politicians to more easily manipulate the voters to their private, and not infrequently, nefarious ends.

In order to eradicate that evil, and with the country comparatively safe for interior residents, the Assembly decided to put in force the parish electoral system of the Barbadoes; and passed an act accordingly. By it those who lived an inconvenient distance from the provincial capital could vote in their respective parishes, the elections, which were to continue two days, being under the supervision of the church wardens. The latter were to act as inspectors of election, enroll the names of all voters, and all who attempted to cast more than one ballot at the same election thereby made their suffrages illegal and of no account. The church wardens were required to serve as managers and inspectors of election, under penalty of £100, and the act directed them to give public notice of the result of any election within seven days of the holding thereof. In case there were no church wardens in the parish, the governor might appoint other persons to manage the elections.

#### REPRESENTATIVES AND VOTERS

The members of the House of Commons, to whom these elections applied, were apportioned according to parishes as follows: St. Philip's, Charles Town, four; Christ Church, two; St. John's, three; St. Andrew's, four; St. James, Goose Creek, three; St. Thomas and St. Dennis, embracing the French settlements and yet not clearly defined, three; St. Paul's, four; St. Bartholomew's, three; St. Helena, three; St. James on the Santee, Craven County, one. A special provision was made in favor of the inhabitants of St. Bartholomew's and St. Helena, whom the Indians had driven from their settlements and who were allowed to vote at any places specified by the governor and Council. A quorum of the House was fixed at sixteen members.

To be a qualified voter, under the act of 1716, required that the white man should be a Christian, twenty-one years of age, a resident of the province for six months before the date of the writ of election, and should be worth £30 current money.

The new election law was acceptable to all but a few of those who wielded any influence; but among the latter were Trott and Rhett. It was especially agreeable to the Church party.

The Lords Proprietors had withdrawn some of the extraordinary and obnoxious powers which had caused such general protest, but had appointed Trott chief justice again (1713) and subsequently authorized him to sit as judge of the Vice Admiralty Court. The time was coming when he was to be of great service to the province.

Like the poor, it seemed that Carolina had either Indians or pirates always on hand to vex her, and while Governor Craven was driving the Yamassees from her soil, pirates were wickedly busy along the coasts between the West Indies and the Charles Town region. Randolph, collector of the king's customs in America, had even charged that Trott was in complicity with them. However that may be, there is no doubt that when the time came for their trials, he was the only logical man to preside over them.

#### PROCEEDINGS AGAINST THE PIRATES

In 1715 numerous captures of piratical vessels engaged in the Carolina trade had been made, and a court was finally organized for their trial. Under the enactment of 1712 by which the English statutes were incorporated into the provincial government, the governor and Council were given the same authority in Carolina as was exercised



in England by the lord chancellor, or the lord keeper of the Great Seal. In the mother country, pirates were tried by commission issued under the King's Great Seal, and it was evident that Governor Daniell and his Council were endowed with similar powers. In November, 1716, they issued a commission for the trial of the captured pirates by the Vice Admiralty Court, over which Justice Trott presided. The assistant judges appointed were as follows: Captain Thomas Howard, commander of His Majesty's ship, the *Shoram*; Charles Hart, member of the Council; Thomas Broughton, Speaker of the House; Arthur Middleton and Ralph Izard; Captain Philip Dawes; Captain William Cuthbert, commander of the *Fortune* frigate; Captain Allen Archer, commander of the brigantine *Experiment*; Samuel Deane and Edward Brailsford, merchants.

The grand jury impaneled indicted the nine prisoners—six from England, one from Boston, one from New York and one from Virginia. The petit jury before which they were tried failed to convict.

In the April following these unsuccessful proceedings against the pirates, the provincial authorities were further alarmed by news of activity on the part of the West Indies outlaws of the seas. It was said that the governor of St. Augustine had been advised by the governor of Havana to be on the lookout for pirates who were making the Bahama Islands their rendezvous. As the inference was that the Carolina coasts would be endangered if the pirates made a descent upon Florida, the Assembly requested the captain of the *Shoram*, which had come to Charles Town during the Indian troubles, to remain in the home waters for a time until the danger had passed. But the English man-of-war sailed to England with little delay, leaving the province to muddle along as best it could.

#### ACTUAL EXECUTIONS

Not long afterward, a party of pirates was captured comprising Stephen James de Cossey, Francis de Mont, Francis Rossoe and Emmanuel Erandos, who were charged with taking three vessels off the coast of Jamaica, during July of the previous year. Governor Daniell and his Council immediately issued a commission and appointed assistants to the judge of admiralty, Trott, for the trial of these men. The trial began on June 24th; they were convicted on the 29th and executed on the 3d of July.

About this time, or perhaps a little later, the Proprietors were being petitioned by Sir Robert Montgomery, a Scotch laird, to allow him and his countrymen to establish a colony within the Carolina jurisdiction beyond the Savannah. It was to lie between that river and the Altamaha, was to be known as the Margravate of Azilia, and Sir Robert was to be its governor for life. His Majesty's attorney general suggested to the Proprietors that they might surrender their powers of government in the proposed province to the Crown, as they were not able to defend the territory which was already settled. Nothing came either of Sir Montgomery's petition to the Proprietors, or the suggestion of the attorney general, although the erection of the frontier province was urged, some time later by no less a person than Col. John Barnwell. Montgomery's Azilia was the precursor to Oglethorpe's Georgia.

## CHAPTER XI

### LAST TWO YEARS UNDER PROPRIETORS (1717-1719)

Governor Robert Johnson met the Assembly for the first time, on October 29, 1717, and after referring in his first communication, or "speech," to the "disrespectful behavior that has of late been shown to the Lords Proprietors in not consulting them in the applications and remonstrances in England," and reminding them that "his majesty and his Parliament are too just to divest their Lordships of their properties without a valuable consideration," furthermore called attention to the magnanimous action of the Proprietors in donating to "the public all the arrears that are due them, whether from lands sold, or for rent, and all growing rents that shall become due to the first of May, 1718, the charges of the civil government only deducted."

"The Lords Proprietors," the governor said, "expect their former price of three pounds per hundred acres of land, according to an act of 6 of Queen Anne. The great disproportion the money now has obliged me and my Council to give orders to the Receiver General to take twelve pounds per hundred acres, being now but an equivalent. The order I hope will be but of short duration, since I promise myself you will concur in some measures to make the money better."

The Assembly committee which answered the address denied that they were obliged to take the depreciated bills of credit, at all, and made light of the munificence of the Proprietors in passing over their arrears to the people, declining the donation outright.

Governor Johnson urged them to take the donation, and called attention to the fact that the Assembly was to pass wholesome laws "even to private persons, much more to the Lords Proprietors who are our masters!"

The last phrase touched off the powder among the hot-heads. "We cannot but approve of your Honor's care of these lordships' interests who are, as you say, your masters."

Governor Johnson's come-back: "If you look over their charters, you will find them to be your masters likewise."

Among the important acts passed at this session of the Commons was the establishment of another parish in the upper part of St. Andrews, known as St. George's, and an additional act to continue the currency of the bills of credit.

There were other disputes between the governor and the Carolina House of Commons, such as that growing out of the appointment of a powder receiver; whether he should receive his official powers from the chief executive or the popular house. But these, and other legislative matters were put in the background for a time by the revival of the pirate problem.

The month after Governor Johnson had experienced his first rebuff from the Assembly, he sent a message to that body stating that he had appointed Col. Alexander Parris, member of the Commons House,

commissioner of the Charles Town Free School, etc., as a special agent to the Bahamas, conveying the king's proclamation of amnesty to all pirates who should surrender themselves within twelve months and take the oath of loyalty. This course was to be taken, as, according to the governor, there were "several of our inhabitants that unwarily, and without due consideration, have indulged in that ill course of life and are now resident at the Bahama Islands, and other places adjacent." There is no record that Colonel Parris ever undertook the mission; it may be that the appointee could not be spared from the public business, or that conditions did not warrant such action. At all events, of the numerous pirates captured on the Carolina coast, very few had been residents of the province, and when they were referred to as "Carolina pirates" it was a misnomer.

Not long after the king issued his proclamation regarding piracy and parties, he sent Capt. Woodes Rogers to New Providence, one of the Bahamas, to take possession of the islands as a Crown colony. He arrived in July, 1718, and, with the exception of Charles Vane, induced all the leading pirates therein to surrender and take the oath of fealty to the king. After exchanging shots with two of Rogers' vessels, Vane escaped to sea with a sloop and ninety men and made for the Carolina coast, where he engaged in several adventures, but finally, with numerous others of his kind, gathered in the waters around the mouths of the Cape Fear and Pamlico rivers off the North Carolina coast.

#### MAJOR, GENTLEMAN AND PIRATE STEDE BONNET

In the meantime two even more famous pirates than he were gradually ranging toward the Carolina coasts. Major Stede Bonnet, who had served with credit in the army at Barbadoes and had retired to Bridge Town as a wealthy, honored citizen of late middle age in the apparent enjoyment of a well earned position in life, suddenly decided to range the high seas as a pirate. He had no nautical experience whatever, which seemed to make more extraordinary his mad undertaking; which, according to one of his biographers, "is said to have been occasioned by some discomforts he found in a married state." Some even pronounced him insane.

At all events, this Gentleman Bonnet of Barbadoes, early in 1717 spent some of his wealth in fitting out a sloop of ten guns and manning it with seventy desperate sailors. One dark night he sailed across the Bridge Town Bar and thence into the South Atlantic, and, in his ship, the *Revenge*, headed for the capes of Virginia. Stationed in that highway of ocean travel between England and North America, he managed to burn and plunder several merchantmen connected with the commerce of New York and New England before he sailed for Charles Town harbor. There, in August, 1717, he stripped a New England brigantine of all its valuables and sent it into port naked and forlorn, but retained the sloop, minus the crew, as more to his purpose. The brigantine had scarcely crossed the bar, ere Bonnet shaped his course for North Carolina. Soon after arriving on its coasts, he took from the sloop all he could use in refitting the *Revenge* and headed for that great rendezvous of pirates in southern waters, the Bay of Honduras.

In the meantime, Bonnet's dense ignorance of everything nautical had raised such a spirit of mutiny among his crew that it was with the utmost difficulty that an open rebellion was avoided. When he met Edward Thatch, the famous Black Beard of North Carolina, at

Honduras, the two joined their fortunes and set off on a cruise together. It was not long before Thatch, who was a real seaman, taking advantage of Bonnet's nautical ignorance and the feeling against him, deposed him from command of the *Revenge*, placed one of his own officers in charge and took its owner aboard his own vessel as a virtual prisoner. Bonnet chafed in vain under this compulsion, which, after all, worked for the safety of the crew and the success of the combined expedition. Although feared, Thatch was generally supported, and while the partnership continued several valuable prizes were taken. The first was the *Adventure* from Jamaica, whose master, David Herriot, was destined to play a tragic part in Bonnet's subsequent career.

#### CHARLES TOWN AWED BY THE PIRATES

Thatch and Bonnet were in company during the cruise which culminated in the operations off Charles Town harbor which, for a time, threw the provincial capital and the government authorities into a state little short of panic.

On the 18th of that month, Governor Johnson writes to the Proprietors: "About fourteen days since, four sail appeared in sight of the town, immediately took the pilot boat which was stationed on the bar, and in a few days took eight or nine outward-bound vessels with several of the best inhabitants of Charles Town on board."

"Among the passengers thus taken," says McCrady, "were Samuel Wragg a member of the Council of the province, and his son William, then but four years of age, who became one of the most distinguished men in the American colonies, and to whose memory there is a tablet in Westminster Abbey." "How the pirates became aware that they had made so distinguished a prisoner," says \* Hughson, "is not known; but, having ascertained the fact, they determined to make the best of their good fortune. At this time, the fleet was in need of certain medicines, and Thatch directed his surgeon to prepare a list of the desired articles, and sent him to demand them of Governor Johnson. Arming a boat, he sent it up to the town in command of one of his officers named Richards. The officer was accompanied by a Mr. Marks, a captured citizen who was ordered to lay the situation before the governor and to inform him if the necessary supplies were not immediately forthcoming and the men permitted to return unharmed, the heads of Mr. Wragg and other Charles Town prisoners would be sent to him.

"Marks was given two days to accomplish his mission and the prisoners, who had been acquainted with the demand and the penalty of its refusal, awaited, it may well be imagined, with the utmost anxiety the return of the embassy. Two days passed and the party did not return. Thatch suspected that his men had been seized by the governor, and notified Wragg that the other prisoners and himself should prepare for immediate death." He was persuaded to postpone the execution for at least a day, before the expiration of which a message was received from Marks to the effect that his boat had been overturned by a squall and that he had barely succeeded in reaching Charles Town. On the third day following this alleged explanation, Thatch became again suspicious, and he again threatened to put Wragg and the other captives to death.

The story is told by Johnson in his "History of the Pirates" that,

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\* Shirley Carter Hughson: Johns Hopkins Univ. Studies.

in order to save themselves the prisoners agreed to pilot the fleet into the harbor and assist Thatch in battering down the town; but Hughson, in his study of the subject, very properly discredits the story. Wragg's high character would, of itself, be a sufficient ground for refusing it belief unless substantiated by higher evidence than that of the pirates themselves. "It is not improbable," says McCrady, "that the pilot captured off the bar would have been forced to bring in their ships had the pirates so desired; but it is altogether improbable that Thatch would have ventured his 40 guns against 100 which lined the fortifications of the town, and risked his vessels in the harbor where Governor Johnson and Rhett would have had him under such disadvantage. He could enforce his terrible threat upon the lives of valued citizens without danger to himself as he lay outside the bar; to have come in, would have lessened his power over his prisoners, made his position less commanding and endangered his own safety."

Natural consternation prevailed in Charles Town, both among the friends of those placed in such peril and with the public and government who realized that the pirates held the winning hand. The governor convened his Council and laid the situation plainly before them, and the result was that the medicines were at once sent by Marks, and Wragg and the other prisoners, after being robbed of all they possessed, even to the clothes upon their bodies, were put ashore in a half-naked condition, and the pirate fleet again sailed for North Carolina. Thatch is said to have secured \$6,000 in specie from Wragg alone.

At Topsail Inlet, North Carolina, the Thatch-Bonnet partnership was dissolved. The former continued his piratical adventures along the northern Atlantic coasts and was finally slain by a party organized by Governor Spotswood of Virginia, while Bonnet's last day was not far off. The Barbadoes gentleman first took the oath of allegiance under the royal proclamation of amnesty to all pirates who would agree to abandon their evil ways and turn into the straight path of honesty and loyalty. He then took out the clearance papers of the *Revenge* for the island of St. Thomas, announcing that he would apply at that port for a privateer's commission against the Spaniards.

Bonnet therefore returned to Topsail Inlet, rescued a number of sailors who had been marooned by Thatch on a desert island, reinforced his own crew with them, and, after a brief attempt to overtake and punish the *Black Beard* who had played him false at the commencement of his career as a pirate, took unto himself the name of Captain Thomas, rechristened his *Revenge* the *Royal James*, and boldly announced to his astonished followers that instead of a legal privateer he was still an outlaw of the seas.

Captain Bonnet, who was now a more experienced seaman, committed several minor piracies on the Virginia coast, and made two valuable captures in Delaware Bay. He then proceeded to Cape Fear, North Carolina, accompanied by his prizes. At his arrival there, in August, 1718, he captured a small shallop which he wrecked to obtain building material for the repair of the *Royal James*. It was this small act of lawlessness which sped the rumor down the Carolina coast to Charles Town that a piratical expedition was on the way southward.

At the time South Carolina was poverty-stricken, but the threatened danger of another visit of insolent and plundering pirates brought relief from a private and efficient source. Col. William Rhett, the same gentleman of fortune who had ably commanded the fleet against the French invaders, had been speaker of the Commons and other-

wise prominent and was then receiver general of the province, waited upon the perplexed governor and offered to fit out two vessels against the expected pirate. Rhett's offer was promptly accepted and he was commissioned as commander of the two sloops destined to meet the enemy—the Henry (Rhett's flagship), Captain John Masters, with eight guns and seventy men, and the Sea Nymph, Capt. Fayrer Hall, with eight guns and sixty men.

On September 10th, Colonel Rhett sailed across Charles Town harbor with his two vessels for Sullivan's Island, to prepare for his voyage toward Cape Fear. As he was about to weigh anchor, news was brought to him of the raids, in neighboring waters, of Vane, the escaped pirate from New Providence, and one of his rebellious captains, Yeates. The latter surrendered to the Charles Town authorities and was pardoned. For several days Rhett endeavored to overhaul Vane, but, after losing several days in such fruitless endeavors, got away for Cape Fear about September 20th.

Neither Colonel Rhett nor his pilot were at all acquainted with the North Carolina coast, and both his sloops ran aground on a sandbar as they entered the mouth of the Cape Fear River with Bonnet's (or Thomas's) piratical craft in plain sight. As Rhett could not get his vessels afloat until late at night he was obliged to wait until the following morning before bringing on an engagement. Both prepared for a battle which they knew would be desperate and decisive.

An account of this spirited engagement, which ended the career of Bonnet as a pirate and put an end to his life also, was published in a pamphlet written from Charles Town and published in London in 1719. From this detailed and graphic publication entitled "Tryals of Major Stede Bonnet and Other Pirates," have been condensed accounts not only of the Rhett expedition and the battle at Cape Fear, but the later developments, including the capture of Bonnet and his crew, the escape and recapture of the pirates, and their final execution.

The thrilling story reopens then on the dawn of September 27, 1718, when the crews both of Bonnet's Royal James and of Rhett's Henry and Sea Nymph were bestirring themselves and ushering in a scene of activity such as had never before been witnessed in those secluded waters. In this account reliance is mainly placed on the collation made by Hughson.

The crews of none of the vessels had slept during the night, and when the first glimpse of day shone in the east, both parties were ready to enter the fight at a moment's notice. The sun had barely risen above the headlands which command the entrance to the river when the South Carolinians, looking across the point of land behind which the pirates lay, saw the sails of the Royal James being run up the masts and heard the rattle of the chains as the anchors were hoisted to the deck. A minute later the pirate craft swung around before the breeze which was blowing straight from off the land and, with all sail set, came flying down the river past the place where the two sloops lay at anchor.

Bonnet's design was evident. He saw that his opponent outnumbered him two to one, and he determined to resort to the favorite pirate method of defense, and maintain a running conflict, trusting to the chances of escape that would be afforded him could he reach the open sea. Rhett divined his purpose, and both ships weighed anchor and made for him as he rounded the sheltering point of land. Taking a position on either quarter of the Royal James with a view of board-

ing, the Henry and the Sea Nymph bore down in such a direction as to force Bonnet to steer close to the shore.

Rhett had planned this movement without any knowledge of the river, and it proved as disastrous to his own vessels as to that of the enemy. In a few minutes the Royal James was aground and the attacking sloops, unable to come about with sufficient dispatch, ran into the same shoal water and were soon hard and fast on the sandy bottom of the channel. The Henry grounded within pistol shot of the pirate on the latter's bow, while the Sea Nymph, in her endeavor to cut off the flight, struck the bar so far ahead as to be completely out of range, and was of no service until five hours later when she floated off on the rising tide.

As soon as it was found impossible to get the Henry afloat, Colonel Rhett gave orders for a heavy fire to be opened, and the ten guns with which the sloop was manned began pouring their broadsides into the pirate, while the crew kept up a continual fire with small guns which did almost as much execution as the heavier fire from the deck. During this part of the fight the South Carolinians were at a tremendous disadvantage. When the Henry and the Royal James went aground, both careened in the same direction, so that the deck of the pirate was turned away from the Henry, while every foot of the latter's deck was mercilessly exposed. The heavy shot from the South Carolinians could only take effect on the hull of the pirate, while their own deck could be swept from end to end at every discharge. Lying in these two positions, the two vessels maintained for five hours a continuous and bloody contest. The South Carolinians, though under the most trying conditions, conducted themselves with the most dauntless courage. Exposed as was their condition, it seemed certain death to attempt to man the guns; notwithstanding which, every man stood to his post without a thought of flinching, and the conflict was not permitted to languish for a single moment.

The pirates saw their advantage from the beginning and availed themselves of it in every possible way. For some time it seemed certain that victory would be theirs, and, in spite of the spirit displayed by Rhett and his men, Bonnet considered it but a matter of a few hours when the pirate ensign would triumph over the colors of the king. They "made a whiff in their bloody flag," says the pamphlet, "and beckoned with their hats in derision to our people to come on board them; which they only answered with cheerful huzzas and told them it would soon be their turn."

Both sides were confident, but the pirates, who enjoyed such an advantage at the beginning of the conflict, had a desperate disappointment in store for them. The issue of the battle now depended on the tide; victory would, without any doubt, be with the party whose vessel was first afloat. For five hours the flood poured up the river, and it was late in the day before it was high enough to lift the sloops from their stranded positions. The pirates understood the situation fully, and one can imagine the consternation which seized upon the crew of the Royal James when they saw the Henry slowly righting herself as the rising flood swept higher and higher around her bows. Many of the crew declared for an immediate surrender, but Bonnet refused to listen to such counsel. Under the stress of excitement, the courage which failed him so ignominiously at the last was roused to a desperate pitch. He swore he would fire the ship's magazine and send the entire crew to the bottom before he would submit and, drawing his pistols, he threatened to scatter the deck with the brains of any

man who would not resist to the last, should Rhett attempt to come on board. Bonnet's rage did not avail, however. There were spirits in his crew as determined as he, who preferred to take the chances of a trial, or a pardon, rather than to brave the death that a further resistance would immediately incur, and surrender was determined upon.

#### SURRENDER OF THE ROYAL JAMES AND BONNET

While the pirates were angrily debating the course they should pursue, Rhett set his crew to work and temporarily repaired the damage sustained by the rigging; and, assuring himself that the rigging of the *Henry* was intact, he stood for the *Royal James* with the intention of boarding her promptly, if it should be necessary to force a surrender. At this juncture, however, a flag of truce was received, and after a few minutes' negotiations the *Royal James* surrendered unconditionally. On boarding her, Rhett, who had not known who was the pirate chief, was surprised to learn that his captive, Captain Thomas (as he was styled), was none other than the notorious Stede Bonnet, whose name was known along the coast of every colony from Jamaica to New Foundland.

As the *Henry* had borne the brunt of the fight, her loss was far greater than her companion sloop. She had ten men killed and fourteen wounded, several of whom died subsequently of their injuries. The *Sea Nymph* had two killed and four wounded. The pirates, in consequence of their sheltered position, suffered much less severely. Seven of the crew were killed and five wounded, two of whom died soon afterward.

Having repaired his battered fleet, Rhett arrived at Charles Town about a week after the engagement at Cape Fear, and two days later Bonnet and his crew of thirty men were confined in the watchhouse. Their leader, Major Bonnet, being a gentleman by birth and antecedents, and Herriot, their sailing master and boatswain, who agreed to testify for the Crown, were transferred to the residence of the provost marshal.

As there seemed to be some complications as to the legality of the trial of the pirates at Charles Town, in October the Assembly passed an act to meet the new emergency. October 28th was the date finally set for the trial; but through a concerted plan, to which some friends in the town were a party, Bonnet and Herriot were allowed by the guards to escape, some saying that Bonnet escaped in the garb of a woman. This occurred three days before the date set for their trial by the Vice Admiralty court, over which Trott was to preside. The refugees were joined by a number of their friends and in a boat the party sped northward along the coast, but, on account of bad weather, they were obliged to return to Sullivan's Island for supplies from Charles Town. Governor Johnson had offered a reward of £700 for their capture, and Rhett was again the man for the emergency. He attacked and captured Bonnet and his men, at the upper end of the island (Herriot being killed), and on November 6th brought the prisoners back to Charles Town.

#### TRIAL OF THIRTY-THREE PIRATES

In the meantime, the machinery of the law had been put in operation. According to the plans made before the escape of Bonnet and Herriot, the Court of Vice Admiralty convened at the house of Gar—



rett VanVelsin in Charles Town.' The legal talent, the witnesses and spectators which assembled for the trial were remarkable. The court was presided over by Nicholas Trott, who was not only judge in Vice Admiralty, but member of the Council and chief justice of the province. On the bench at this grand assize were George Logan, speaker of the Assembly and late member of the Council; Ralph Izard, Col. Alexander Parris, Capt. Philip Dawes, George Chicken, Benjamin De La Conseillere, William Cattle, Samuel Dean, Edward Brailsford, John Croft, and Capt. Arthur Loan, of the ship *Mediterranean* and Capt. John Watkinson, of the *King William*, who acted as assistant judges. Michael Brewton was foreman of this special grand jury.

The prosecution was conducted by Richard Allein, attorney general of the province, assisted by Thomas Hepworth, both distinguished members of the bar. The grand jury returned true bills against thirty-five men for piracy committed on the sloops *Francis* and *Fortune* in Delaware Bay. They included, of course, Bonnet and Herriot, who had not been captured at the time the bills were returned.

The case for the Crown was laid before the jury by the attorney general, who called earnest attention to the danger of piratical depredations not only to Carolina but to all the English plantations in America. Hepworth's indictment was more in detail. The court then proceeded with the trial of all the accused except Bonnet and Herriot, and the testimony left no doubt as to the connection of the accused with the piracy of the sloops mentioned, as well as of similar acts committed in Charles Town harbor.

The defendants were not represented by counsel, the law of England at that time not allowing counsel except in trials for treason. Their protestations that they had been forced into piracy were cut short by Justice Trott, who denounced them from the bench as if he were their prosecutor instead of their judge; and it is little cause for surprise that all but four of the accused were found guilty, and sentenced to be hanged.

While the Court of the Vice Admiralty was being organized and the trial of the pirates progressing, a fleet was being gathered and crews mustered to meet another notorious freebooter who had appeared off the Charles Town bar and, like a spider at the mouth of his web, awaited his victims. The new pirate, one Moody, had already taken two New England craft with his vessel of fifty guns and two hundred men, and Governor Johnson had determined that, as there was no promised relief from England, he would commandeer the vessels in port, as a measure of colonial preservation. The Council approved his determination, and the governor therefore went ahead.

The vessels selected to be sent against Pirate Moody were three merchantmen—the *Mediterranean*, *King William* and *Sea Nymph*—and Bonnet's *Royal James*. As Rhett had quarreled with the governor on account of some governmental action which had been taken in connection with the expedition against Bonnet, Johnson decided to take command of the fleet which was to be sent against Moody. The fact that the chief executive of the province had thus determined, inspired such confidence that, within a few days, three hundred volunteer sailors had assembled aboard the commandeered vessels. The Assembly then passed an act indemnifying the owners of the ships against damage or capture, and when Governor Johnson was all ready to embark with his fleet word was brought to him of the presence of Bonnet on Sullivan's Island. As has been stated, Rhett agreed to capture the escaped pirate, leaving the governor free to prosecute his original design.

Several days before Johnson's fleet was ready for sea a ship and a sloop dropped anchor at the bar and the crews attempted to land at Sullivan's Island. They were driven off by the guards, and for three days the strange craft lay quietly at their moorings.

Governor Johnson's fleet was now ready for action, its commander being convinced that the vessels which had been sighted were those of Moody the pirate. On the morning of November 5th, having sailed to an anchorage several hundred yards below Fort Johnson which commanded the main entrance to the port, the Carolina fleet, with the flagship Mediterranean leading, crept up to the mysterious strangers. The pirate ship promptly weighed anchor and stood toward the mouth of the harbor to intercept the retreat of what its commander evidently thought were merchantmen, for Johnson's guns were under cover and his men below deck. Having accomplished that maneuver, the black flag was run up to the mast-head and the pirate called on the King William to surrender. "At this moment Johnson ran the king's colors to the mast-head of the Mediterranean, threw open his ports and delivered a broadside which swept the decks of the nearest vessel with murderous effect." Then the South Carolinians bore down upon the pirate craft, broadside followed broadside, and the battle was on at close quarters. Under orders, the Sea Nymph and the Revenge went in pursuit of the pirate sloop, while the Mediterranean and the King William made for the larger ship.

The engagement between Johnson's vessels and the sloop is said to have been the fiercest ever waged in those waters, both at the closest of quarters; the "enemies of the human race" fighting with an energy born of desperation. The struggle which took place almost within sight of Charles Town "created the most tremendous excitement among the inhabitants, which rose to a pitch of almost indescribable exultation as the throng along the wharves saw the Sea Nymph and the Revenge rounding the harbor, the royal ensign at the mast-head signaling their victory."

Governor Johnson's chase after the flying ship was exciting, but did not involve such close and hand-to-hand fighting as marked the other engagement. Finally, the enemy was disabled by a well-directed shot from the King William, and when the hatches of the captured craft were opened, and a general investigation made, it was discovered that Moody's ship had not been overhauled at all, but an English boat, designed to transport convicts and indentured servants from London to Virginia and Maryland, which had been captured and transformed into a piratical craft.

#### THE NOTORIOUS WORLEY KILLED

An additional surprise awaited the governor when he returned to Charles Town to investigate the outcome of the engagement between the other two vessels of his command and the pirate sloop. It was found not only that the captured sloop and crew had no connection with Moody, but that its commander, who had been killed in the terrific engagement was no other than Richard Worley, who had ravaged the coasts of New York and Pennsylvania only a few weeks before. The governor was gratified at having put Worley out of mischief; but Moody was still to be accounted for. A few days afterward, public anxiety was relieved by the information brought to Charles Town by the captain of a vessel which had been plundered by Moody several hundred miles at sea that the pirate leader who was Johnson's original object of pursuit had set sail for New Providence in order to avail himself of the king's proclamation.

On November 8th, two days after Bonnet's recapture and return to prison and three days after the engagement which resulted in the death of Worley, the men of Bonnet's crew who had been condemned by the Vice Admiralty court, were hanged at White Point and their bodies buried in the marsh below the low-water mark. The exact spot of execution is not known at the present day, as the city has long since grown beyond the ancient low-water mark, and old White Point, with its numerous creeks and desolate mud-flats, is now occupied by a populous and fashionable portion of Charleston. Tradition has it that the execution was held at a place now in Meeting Street near the corner of Water, a few hundred yards below the historic St. Michael's Church, and nearly a quarter of a mile from the beautiful White Point Garden and the historic esplanade which now marks the southern boundary of the city.

#### TRIAL AND DEATH SENTENCE OF STEDE BONNET

Two days after the tragic scene at White Point, Stede Bonnet was arraigned before the court for trial. The same judges and prosecuting attorneys were present in this case as in the trial of the minor culprits. The proceedings were of the same character in each case. It was evident to Bonnet that his case was prejudged both by Trott and the jury. Two indictments were brought against him—one for taking the Francis and the other for capturing the Fortune. To both of them he pleaded not guilty, but the promptness with which the jury found him guilty on the first count induced him to change his plea on the second indictment.

Justice Trott thereupon sentenced him to death, pronouncing not only sentence of a human court upon him, but everlasting punishment for his sins, with abundant quotations from the Scriptures to prove his latter contention. At first Bonnet assumed a demeanor of calm dignity, not to say indifference, which would almost seem to warrant Frank R. Stockton in making him the hero of one of his romances; but, when Governor Johnson actually named December 10th as the day of his execution he became unnerved. His case appeared so pitiful that the sympathies of not a few citizens were aroused, and Colonel Rhett himself offered to take him to England that his case might be laid directly before the king. But neither Governor Johnson nor others in authority would listen to delay, realizing what the province had suffered from piracy and knowing what a deterrent would be the execution of so prominent a leader as Bonnet. It had also been brought out in the trial of his comrades that he had made a special threat against the commerce of Charles Town just before the battle at Cape Fear, swearing that, if he escaped, he would make it his business to destroy all vessels possible coming in or going out of that port. It was evident that Stede Bonnet was the arch enemy of Charles Town and Carolina.

#### BONNET'S PLEA TO GOVERNOR JOHNSON

A few days before his death, the gentleman pirate of the Barbadoes addressed the following letter to Governor Johnson:

"Honoured Sir:

"I have presumed on the confidence of your eminent Goodness to throw myself after this manner at your feet; to implore you'll be graciously pleased to look upon me with tender Bowels of Pity and Compassion; and believe me to be the most miserable Man this day

breathing; That the tears proceeding from my most sorrowful soul may soften your heart, and incline you to consider my dismal State, wholly, I must confess, unprepared to receive so soon the dreadful Execution you have pleased to appoint me; and therefore beseech you to think me an object of your Mercy.

"For God's Sake, good Sir, let the Oaths of three Christian men weight something with you, who are ready to depose, when you please to allow them the Liberty, the Compulsion I lay under in committing those Acts for which I am doomed to die.

"I intreat you not to let me fall a Sacrifice to the Envy and ungodly rage of some few Men, who, not yet being satisfied with Blood, feign to believe that if I had the Happiness of a longer Life in this World I should still employ it in a wicked Manner, which to remove that, and all other Doubts with your Honour, I heartily beseech you'll permit me to live, and I'll voluntarily put it ever out of my power by separating all my Limbs from my Body, only reserving the use of my Tongue to call continually on and pray to the Lord, my God, and mourn all my Days in Sackcloth and Ashes to work out Confident hopes of my Salvation, at that great and dreadful Day when all righteous Souls shall receive their just rewards. And to render your Honour a further Assurance of my being incapable to prejudice any of my Fellow-Christians, if I was so wickedly bent, I humbly beg you will (as a punishment of my Sins for my Poor Soul's Sake), indent me as a menial Servant to your Honour and this Government during my Life, and send me up to the farthest inland Garrison or Settlement in the Country, or in any other ways you'll be pleased to dispose of me; and likewise that you'll receive the willingness of my friends to be bound for my good behaviour and constant Attendance to your Commands.

"I once more beg for the Lord's Sake, dear Sir, that as you are a Christian, you will be as charitable as to have Mercy and Compassion on my miserable Soul, but too newly awakened from an Habit of Sin to entertain so confident hopes and assurances of its being received into the Arms of my blessed Jesus as is necessary to reconcile me to so speedy a Death; wherefore, as my Life, Blood, Reputation of my Family and future happy State lies entirely at your disposal, I implore you to consider me with a Christian and charitable heart, and determine mercifully of me that I may ever acknowledge and esteem you next to God, my Saviour; and oblige me ever to pray that our heavenly Father will also forgive your Tresspasses.

"Now the God of Peace, that brought again from the Dead our Lord Jesus, that great Sheperd of the Sheep, thro' the blood of the everlasting Covenant, make you perfect in every good Work to do his Will, working in you that which is well pleasing in his Sight, through Jesus Christ, to whom be glory forever and ever, is the hearty Prayer of

"Your Honour's

"Most miserable and

"Afflicted Servant

"Stede Bonnet."

No details have come down to us as to Bonnet's demeanor on the scaffold for there was to be no Gazette in Charles Town for fourteen years. It is only known that he was hanged on the 10th of December, 1718, in accord with his sentence, and his body buried with those of his companions in guilt, within the flowing of the sea which had witnessed so many crimes justly chargeable to him.

In the previous November, twenty-four of the pirates captured in the engagements with Worley's boats, most of whom were wounded, were tried and hanged. Those who were executed included John Cole, who was in command of the converted transport.

#### JOHNSON A PIRATE ELIMINATOR

The eradication of Bonnet and Worley, with their crews, from the piratical menaces of the high seas and the southern Atlantic coasts, through the determination and promptness of Governor Johnson and his agents, coupled with the vigorous campaign of the governor of Virginia and the death of Black Beard Thatch, was the death blow of this vital evil against the development of Carolina commerce. The Virginia campaign had been conducted by the royal navy, while that waged against the pirates in Carolina waters had been purely a home affair, sustained by Carolina men and means. It was therefore belated, and to a large extent, unnecessary relief when, in response to Governor Johnson's appeals—then many months old—the Lords of Admiralty sent the Flamborough man-of-war to protect Charles Town harbor, and the Phoenix, a smaller ship, to cruise along the coast, both on the look-out for pirates.

The governor's record as a pirate eliminator had given him a substantial popular standing, and, among other evidences of this improved feeling, the Assembly consented to appropriate the arrears of rent to the building of a state house and prison. The election law was again revised, and the representation in the lower house was increased by the new apportionment from thirty to thirty-six representatives. Of the old parishes, St. Philip's; St. James, Goose Creek; St. Bartholomew, and St. Helena gained one member each, and St. George's and Winyaw were erected as new parishes, the former being taken from St. Andrew's and the latter added to St. James.

In March, 1719, the governor and his Council ratified the Assembly acts laying imposts on liquor, negroes and "other goods and merchandise;" raising £70,000 on lands and negroes, for creating a fund to meet government expenses, sinking the public orders and cancelling £30,000 outstanding bills of credit over and beside the bank bills. These, with some minor matters looking toward the regulation of the Indian trade, constituted the last legislation attempted by the proprietary government of South Carolina.

#### FROM HARMONY TO CHAOS

While the assembly was thus engaged, and when the feeling toward the Proprietors had never been more harmonious, an order came overseas, dated in the previous July, autocratically dissolving that body and calling a new election "according to the ancient custom." The Lords Proprietors stated that they were also ordered by His Majesty to repeal the act imposing a duty of 10 per cent upon British manufactures; which they accordingly announced to the Assembly had been done. Other measures, which had been passed by the Assembly and approved by the governor and Council, were also thus summarily disposed of. The nomination of the public receiver, which for a decade had been left with the Commons House without question, was now declared to be the prerogative of their Lordships; the election law was pronounced null and void; the act throwing open the Yamassee lands to settlement was repealed and the general Indian Trade Act

was blotted out, upon complaint, it was said, of certain London merchants who declared it a monopoly.

Perhaps the least surprised man in the province of South Carolina at the receipt of these extraordinary orders, overriding all the most important late legislation enacted by the home Parliament and the governor, was Trott, the chief justice and judge of the Vice Admiralty. Through the secretary of the Board of Proprietors, and in accord with previous agreement, he had been in close touch with affairs in England, and now came forward as the special and accredited representative of their Lordships overseas. But he had troubles of his own.

#### CHARGES AGAINST THE ALL-POWERFUL TROTT

At the initiative of Richard Allein, the attorney general, Trott had been charged with malfeasance in office on a variety of counts, broadly covered under the heads of gross partiality, illegal multiplication of fees, and monopoly of power by which he had protected himself against prosecution for his misdeeds. These articles of complaint, thirty-one in number, were presented to the Commons, but Trott refused to recognize the authority of that body, claiming that he was only amenable to the Lords Proprietors themselves, and could be impeached only before them as a trial court. The Commons therefore sent a message to the governor and Council desiring that they would join in a representation to their Lordships of Trott's maladministration of his officers, and requesting that they would either remove him from office or restrict him to a single jurisdiction, that they might have the liberty of appeal from his decisions. Governor Johnson and his council, as a whole, agreed with the Commons House and with Trott that the charges against the chief justice should be brought before the Lords Proprietors.

#### FRANCIS YONGE AND JOSEPH BOONE IN ENGLAND

At this point when a common agreement had been reached as to the mode of procedure against Trott, the arbitrary orders arrived from the Proprietors, repealing the acts mentioned and ordering a dissolution of the Assembly. To carry out such orders meant a virtual paralysis of the entire government machinery of the province, and it was therefore decided to send a personal representative to England, who, in behalf of the governor and both houses, should inform the Proprietors personally of the situation, lay before them the charges against Trott and explain why it was impossible to dissolve the Assembly at such a critical time. Francis Yonge, member of the Council and one of the assistant judges engaged in the trial of the pirates, was sent on this important mission.

It may be recalled that Joseph Boone was still in England as the special agent of the dissenting members of the Commons, and that he had always urged, in behalf of his party, that the government of Carolina should be wielded directly by the Crown. The Lords Proprietors had been able to partially neutralize his representations and influence by claiming before the Board of Trade and Plantations that Boone was the agent of a faction, and did not present the views of the majority. In answer to that charge, Boone laid before that body an address signed not only by all the members of the Assembly, but more than half of the adult males of the province, imploring His Majesty to take over the immediate government of Carolina.

This conclusive address had already been presented to the commis—

sioners of Trade and Plantations when Mr. Yonge arrived in London in May, 1719, and, although his mission was not one which was formally hostile to the Lords Proprietors, its unsatisfactory result was a force which eventually worked to their discredit. It so happened that the proprietor whom Yonge represented in the Council, the palatine, Lord Carteret, was preparing for his embassy to Sweden and entering a brilliant diplomatic career. He therefore was no factor in the negotiations, and the other Proprietors treated the embassy from the first as a presumption little short of an insult. After spending three months in England, vainly endeavoring to save the provincial affairs from utter chaos and lighten the incubus of Trott's oppressions, Mr. Yonge was returned to Carolina with sealed packets. The orders and claims made in the original orders were simply reiterated and re-emphasized. A new Council was also nominated which would be more tractable than the old. Lord Carteret's name was signed to the document by Mr. Ashley, his deputy, his Lordship being absent in Sweden. Thus Justice (save the mark!) Trott appeared to be more firmly fixed in the saddle than ever, but appearances soon proved to be deceptive.

The return of Yonge, without accomplishing a single object of his mission and the utter humiliation of Governor Johnson, whose able and brave services had undoubtedly saved the province from ruin, so incensed the people that when the elections came on, under the old rules, they refused to return a single member to the Assembly who was known to be friendly either to Trott or Colonel Rhett.

#### SUPPORTERS OF THE ROYAL MOVEMENT ORGANIZE

In the light of the rupture between England and Spain, the rumor that an expedition had been organized at Havana to attack South Carolina was reasonable, and Governor Johnson therefore suggested that funds be raised by subscription to repair the fortifications of Charles Town, as the Assembly was not sufficiently organized to vote the means in the regular way. Such action was opposed and the governor then turned to the militia. Under his orders, the regiments assembled, but, instead of organizing for defence against the threatened Spanish invasion, they entered into articles of association by which they pledged themselves to stand by their rights and throw off the yoke of the Proprietors and all who represented them.

This opposition was led by one Alexander Skene, a Barbadoes politician who had been offended by the Proprietors, and who, with Col. George Logan and Major Blakeway, addressed a joint letter to the governor on November 28, 1719, acquainting him with the purpose of their movement, and begging him to hold "the government for the king until His Majesty's pleasure be known." They declared that "the whole country" was "desirous of having nobody but himself to govern them." The association in favor of royal government so increased in membership within the following ten days as to include the bulk of adults in the province, and on the 10th of December, 1719, their spokesman, Arthur Middleton (the younger), waited upon the governor and the Council. In behalf of the association and the Assembly, he thus addressed Governor Johnson: "I am ordered by the Representatives of the People here present to tell you that according to your Honour's order we are come to wait upon you; I am further Order'd to acquaint you that we own your Honour as our Governour, you being approv'd by the King; and as there was once in this Province a legal Council Representing the Proprietors as their Deputies,

which Constitution being now alter'd, we do not look upon the Gentlemen present to be a legal Council; so I am order'd to tell you, That the Representatives do disown them as such and will not act with them on any Account."

At the request of the governor, the speech was committed to writing. It was signed by Mr. Middleton, as president, and twenty-two other members of the Assembly.

It is said, even before presenting the address, that the House of Commons, expecting to be dissolved, had resolved that the three laws which the Lords Proprietors had repealed, without its sanction, were still in force—that is, the law declaring its right to nominate a public receiver; the act taxing importations and the measure providing for the election of representatives by the parishes. The Assembly now went further, resolving (a) that the units for the election of the representatives, signed only by the Council, were illegal; (b) that it was against the original intent of the charter for the Council to consist (as then) of a greater number of members than the Lords Proprietors; and (c) that, at all events, there was not a sufficient number present to dissolve the last Assembly, "one of the Council signing being a Foreigner, not Naturalized, and consequently not capable of doing any Act of Government in any of the British Dominions," and "expressly contrary to the Lords Proprietors Charter;" and "a high Act of Presumption in them thus to impose upon His Majesty's Free People of the Province for the aforesaid Reasons."

The House of Commons further resolved: "That we cannot act as an Assembly but as a Convention delegated by the people to prevent the utter ruin of this Government if not the loss of the Province, until his Majesty's Pleasure be known.

"That the Lords Proprietors have by such their Proceedings unning'd the Frame of Government and forfeited their right to the same; and that an address be prepared to desire the Honourable Robert Johnson Esq., our present governor, to take the Government upon him in the King's name, and to continue the administration thereof until his Majesty's Pleasure be known."

#### REBELS PROCLAIM JAMES MOORE GOVERNOR

Governor Johnson, while appreciating their confidence in him, finally felt it his duty to tell the petitioners that he was the representative of the Lords Proprietors.

"In subordination to them," said he, "I shall always Act and to my utmost maintain their Lordships' just Power and Prerogatives without encroaching on the People's Rights and Privileges."

Finding, therefore, that he could not be induced to join their movement, the opponents of the proprietary government resolved to proclaim their governor in the king's name. To Johnson's consternation Colonel Parris, commanding the town militia, also went over to the opposition, and on December 21st James Moore, in the midst of beating drums, with the royal colors flying at the forts and from all the ships in the harbor, was proclaimed governor of the Province in the name of the king. The formal proclamation was made by the members of the convention, in the declaration of causes which led to the revolution, wherein they declare "the said James Moore his Majesty's Governor of this settlement invested with all the powers and authorities belonging and appertaining to any of his Majesty's governors in America till his Majesty's pleasure herein shall be further known."

The next step was the election of twelve royal councillors, and of



that body Sir Hovenden Walker, who had been a British admiral and deputy governor of North Carolina, was chosen president. Afterward the convention, which represented the association which had overturned the proprietary government, was reorganized as an Assembly. The latter assumed the power of appointing all officers. Nicholas Trott was immediately removed and Richard Allein, former attorney general, appointed in his place as chief justice. It was declared that no one should be capable of bearing an office in the province who owned the authority of the Lords Proprietors except as to such offices as related to their own particular revenues and property. The persons thus excepted were Colonel Rhett, the receiver of the Proprietors' revenues, and Francis Yonge, surveyor general of their lands. The new Assembly sent Col. John Barnwell to England, with authority and instructions to lay the case of the administration in power before his Majesty, and beseeching him to take the province under his immediate care.

Just before the convention was organized into the Assembly, it had made a formal declaration of the causes which had led to this radical action, which convinced Governor Johnson that the government of the Proprietors had been quite overthrown. He therefore made reports both to the Lords Proprietors and the Lords of Trade and Plantations—the latter being the representative body of the king in all matters relating to the British possessions in America. He concluded his report to the Lords of Trade and Plantations by applying for the commission as governor, in case the provincial administration should be taken over by the king.



## **PART II**

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**Administrations of Royal Governors  
(1719-1776)**



## CHAPTER XII

### ROYAL GOVERNMENT IN SOUTH CAROLINA

The preceding chapter left the rebels of 1719 in obvious control of South Carolina affairs, although some of the leaders and politicians of the province were not so positive that royalty was in the saddle that they positively committed themselves to the new order. Like other men of other days these opportunists aimed to place themselves in a position where they could take personal advantage of any radical turn of events. The short transition period preceding the installation of Francis Nicholson, the first royal governor of South Carolina, is of absorbing interest. The Revolution of 1719 in South Carolina was unprecedented in British colonial annals, save the overthrow of the proprietary government of Lord Baltimore in Maryland nearly thirty years earlier. Several interesting parallels might be drawn between the two rebellions. What apparently added to the complications was that the title to Carolina remained in the Lords Proprietors; that the two colonies had never been formally divided, and that Governor Charles Eden and the Council of North Carolina assured the Proprietors of "their utter detestation of the proceedings in South Carolina."

The new government had voted taxes to pay the salaries of its appointees, which Governor Johnson and some of his party refused to meet, as they still held the purse strings of the public treasury. Colonel Rhett was not only the Proprietors' receiver general, but the comptroller of the king's customs. The governor endeavored to secure him to the Proprietors' interests, to the extent, at least, of guaranteeing the salaries and fees of those formerly in power, but Rhett, who was no friend to Johnson, was also currying favor with the powers which were uppermost, and refused to be guided by the advice of the ex-chief executive. As a reward, the colonel was at once voted into the lucrative position of overseer of the repairs and fortifications in Charles Town; also, accepted from Governor Moore the post of lieutenant general of the militia. In accepting such honors and emoluments from the revolutionary government, Rhett wrote to the Proprietors that his aim was to thus gain the confidence of the people and eventually bring them over to their Lordships' rule.

Further advices of a threatened Spanish invasion from Havana were brought to South Carolina, and Johnson made an earnest plea to the convention to allow him, at least, the command of the military forces of the province, believing that he would carry more weight with the people in such an emergency than any other person in the province. But the rebels did not answer his letter, and went right on with their work. Sir Hovenden Walker became offended for some reason and retired from the party and the presidency of the Council to his plantation. In spite of his commanding abilities, Nicholas Trott was immediately removed, and Richard Allein appointed chief justice in his stead. The rebels feared to trust this holder of many offices under the old regime, although Trott and Rhett had been remarkably quiet since the coup d'état of December 21st when Moore had been proclaimed governor "in the King's name."

The Charles Town fortifications were repaired under the supervision of Colonel Rhett, whose soldierly capacity could not be overlooked, and the whole province was placed under arms in anticipation of the Spanish attack. But the decisive defeat by Capt. Woodes Rogers, governor of the island, of the expedition at Providence, which, fortunately was the first point of attack, and the destruction of many of the Spanish vessels by a fierce storm, made unnecessary a contest of arms at Charles Town.

The last decisive step made to regain the government for the Proprietors is thus narrated by McCrady: "The Spanish expedition having failed, the man-of-war *Flamborough*, commanded by Captain Hildesly, came from Providence and took up her station at Charles Town; and about the same time his Majesty's ship *Phoenix*, commanded by Captain Pierce, arrived from a cruise. The arrival of these vessels of war renewed the intrigues of both parties. The commanders were courted by both. They publicly declared for Governor Johnson as the magistrate invested with legal authority. This greatly encouraged Governor Johnson's party; and having the records in his possession, and the clergy refusing to marry without his license as the only legal Ordinary in the province, the inconveniences began to be felt and to cool the people in their support of the popular government.

"Thus emboldened, Governor Johnson, with the assistance of the commander of the ships of war, made one more attempt to recover his authority. He brought up the ships of war in front of the town, and threatened it with immediate destruction if the people any longer refused to obey him. But the people having both arms in their hands and forts in their possession, with seventy pieces of cannon mounted on their ramparts and near 500 men beside them, bid defiance to the governor and his men-of-war. The Governor seeing, therefore, that the people were neither to be worn out by persuasion, nor terrified by threats, abandoned the struggle, and the Proprietary Government was at an end."

#### MAKING THE KING'S TITLE COMPLETE

The perplexing and intricate steps which finally resulted in the Crown obtaining a clear title to the charter covering both the Carolinas embraces a period of twenty-five years from the time Governor Johnson made this last effort in America to retain the power of the Proprietors. These movements included efforts of the Proprietors to sell Carolina to a company of Quakers, in 1720, for £250,000; attempts on the part of Boone and Barnwell, agents of the new government, to have the lords justices (then acting for King George) declare the charter of the Proprietors forfeited, on account of misgovernment and unconstitutional acts; the actual appointment of Sir Francis Nicholson, by that body, as royal governor, in September, 1720; caveats against such action by the Proprietors, and various legal procedures to finally determine the titles of the Proprietors to the shares which they claimed. The final effort by the Proprietors and directed to the king to be "restored to their ancient heritage," was made in 1726; and two years later there followed, March 5, 1727-28, an absolute surrender of their interest in the province for the sum of £25,000, which proposition was made an agreement and carried into effect by an act of Parliament. As Lord Carteret refused to become a party to this agreement, believing that his share in the province would eventually become a valuable family asset, only seven-eighths of the shares

were transferred to the royal trustees, appointed under the parliamentary act—the consideration for which was £17,500. The trustees, upon payment of this sum, were to convey to the king the shares mentioned, thereby vesting the title to the province in him. The act also provided for the purchase, on the part of the Crown, of seven-eighths of the quit-rents due from the colonists to the Proprietors for the additional sum of £5,000.

As a result of the refusal of Carteret to convey his share, one-eighth of all the lands of both Carolinas was held by the king of England and his Lordship as tenants in common until September 17, 1744. On that day Carteret agreed to surrender his share in exchange for "all that part of North Carolina lying next to the province of Virginia and extending to a line drawn from a point six and one-half miles southward of Chickmacomack Inlet westward." Over this magnificent territory, however, which embraced more than half of the province of North Carolina, Carteret was to exercise no political power. Thus, as stated, after twenty-five years of scheming, negotiating and legislating, South Carolina was shorn of every vestige of proprietary rule and influence.

#### FRANCIS NICHOLSON, FIRST ROYAL GOVERNOR

The best available account of the transition period through which South Carolina passed from the proprietary to the royal form of government is given by perhaps the ablest of the agents, Francis Yonge, although Rhett's and Trott's apologists do not hold him in high regard. He published the pamphlet in London, during 1727, the last year in which he held the office, and the bulk of his narrative deals with the two years, 1719-21. It is entitled "A Narrative of the Proceedings of the People of South Carolina in the Year 1719," and is dedicated to "the Right Honourable John Lord Carteret, Lord Lieutenant of Ireland," his patron. In the opening sentence he says: "The people of South Carolina are now forced (by the Lords Proprietors' application to his Majesty for a restitution of their government) by me to set forth the true cause of their proceedings in the year 1719, for which they do not plead Law but Necessity." The dedication then went on to say that had My Lord not been absent on his Swedish embassy of late years, the various charges of mismanagement which the narrative brought against the proprietary government would not have been made.

Yonge's narrative first reviews the early affairs of the province—the Indian wars, which the province fought with little assistance from the Proprietors and which loaded it with debts and bad currency. It represents that the only encouragement for relief, during years of struggle and disappointment, came from royal sources, and that the final attempt of Governor Johnson and his Council to explain to the Proprietors how impossible it would have been to have dissolved the Assembly and erased the laws already passed, with various other necessary requests, was not only ignored, but that he was sent home, after humbly waiting upon their Lordships for three months, with sealed packages for his answer and not so much as even a verbal explanation. Nothing was done which was requested by the home authorities; but all old and obnoxious legislation which was most distasteful was enforced, and several new measures of a disagreeable nature ordered. The details already given of this period are mainly drawn from Yonge's narrative.

Although the author's story is somewhat involved in places, it is

not difficult to get at his meaning in the following: "The Lords Proprietors who lived in England, although most of them men of quality, whether they left it to an under-officer whom they trusted with their dispatches, and who abused their trust and did not give them just accounts of their affairs for fear it might effect their friends in Carolina, Mr. Trott and Mr. Rhett; or whatever was the cause, we shall leave it to the world to judge, whether they acted as if they knew or desired to be informed of the state of affairs there; for they gave no manner of credit to what was told, and desired of them by the whole body of people, the governor, Council and Assembly; but to shew that they were resolved to be despotick and absolute, they acted just contrary to what was requested by them, in the most humble manner, to do."

Yonge reviewed in detail the last acts of the people and the militia, resulting in the league or association against the Proprietors, and the transformation of the convention into the popular Assembly; with a full report of Governor Johnson's speeches and communications and the efforts made to bring him over to the rebellion.

"And thus," concluded Yonge, "the government became the king's, to the great joy of the people of that province, who, if they have acted (as it cannot be denied they have) in a manner not the most legal, the necessities of their affairs must plead their excuse. It plainly appears by their address to Mr. Johnson, that they did it with great regret toward him, whose father had formerly done great services to the province and they never had a governor they loved better.\*

"And I believe it will be thought that the Lords Proprietors gave them no small provocations, but made it almost absolutely necessary for them to do what they did, since they found there was no other way of getting rid of their Chief Justice Trott, who had tyranized over them for many years, and though often complained of, they could never get removed. Which, together with the right the Lords Proprietors insisted on, of repealing their laws, the absolute necessity they lay under of the more immediate assistance of the Crown, together with their refusal to part with their lands—all these concurring, made them resolve to run all hazards to have them remedied.

"To sum up therefore, it is most humbly hoped that after the charge the Crown has been at in protecting and supporting the people of Carolina, and which is the only power that can protect them (the end of all government), they will not now again be left destitute of that support, without which they cannot subsist, but must abandon the country the first war that may happen with the Crown of Spain, or if their Indians should think fit to quarrel with them. Their defending themselves in the last war with the Indians, maintaining garrisons in several forts on their frontiers ever since; repairing their fortifications at Charles Town which were destroyed by a hurricane, and fitting out their expeditions against the pirates, has put them very greatly in debt, and would make it very difficult to defend themselves if the like occasions should again present.

"They therefore pray for the continuance of his Majesty's Government who ever since he has been pleased to take it upon him has protected their trade by his ships-of-war and their country by his forces, and who is always ready to hear the complaints of his subjects, though never so remote, and is the only power (under God) that is able to defend them."

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\* The country was attacked by the French and Spaniards in 1706, when he was governor, and he fortified Charles Town.



## UNDERSTANDING WITH THE CHEROKEES AND THE CREEKS

One of the earlier acts of the Nicholson administration was to come to an understanding with the Cherokees and Creeks, and thus further secure the frontiers against attacks from the Indians or Spaniards. The building of the fort on the Altamaha by Colonel Barnwell had given offence to Spain, and, notwithstanding diplomatic efforts, the situation was not relieved by the governor's instructions to Barnwell to allow no Spaniards to pass the frontier by way of Fort George, as the new fortress was called. He also wrote to his Excellency, the Spanish governor, to say that he would receive no message "but what comes directly over the bar to Charles Town."

Governor Nicholson's treaty with the Cherokees, then the most powerful Indian nation with which the English had to deal in the South, was made through the chiefs of thirty-seven of their towns, and the boundaries of their lands were definitely fixed. The weights and measures pertaining to the traffic between them were regulated. The governor also appointed an agent to superintend their affairs, and, at his suggestion, the chiefs selected Wrosetasatow to be the head warrior of the Cherokee nation. He was to be the medium through which all complaints of injury done to Indians were to pass.

The governor also completed a treaty of commerce and peace with the Creeks, appointed an agent to reside among them and fixed the Savannah River as the boundary of their hunting grounds.

## THE ORIGINAL PLAN OF CHARLES TOWN

Partly by accident and partly through the care of the late Gen. Wilmot G. DeSaussure, was discovered what is undoubtedly the most authentic copy, at least, of the original plan and list of grantees of lots of Charles Town, as laid out by the projectors of the capital of the province when located at Oyster Point. It is said that that enthusiastic student of South Carolina history rescued a sheet of parchment from a mass of old papers in the Charleston city hall which were about to be destroyed as valueless, and found a plan of the town bearing the date of 1725, the year that Governor Nicholson returned to England.

The history of this plan, as given by the Hon. H. A. M. Smith in the South Carolina Historical and Genealogical Magazine for January, 1908, is as follows: "The original Charles Town was not where the present city of Charleston now stands, but was on the opposite side of the Ashley River opposite, or nearly so, to the old Washington Race Course, now Hampton Park, on a point of land between the marshes of Ashley River and a creek first called Governor's Creek and later, Westpenny, and Lining's Creek and Old Town Creek.

"As early as the 13th of January, 1672, the Grand Council directed Captain John Godfrey, Captain Thomas Gray and Mr. Maurice Mathews to view Wando (now Cooper) River, and the several creeks therein and report the most convenient place or places for a town or towns. A little over a month later, on the 21st of February, Henry Hughes came before the Grand Council and voluntarily surrendered one half of his land near 'a place upon Ashley River knowne by the name of the Oyster poynt' towards the enlarging of a town there intended to be erected. The site of the Oyster Point for a town had, therefore, at that date, been determined upon.

"On the 30th of April, 1672, the Grand Council directed John Culpeper, the surveyor general, to 'admeasure and lay out, or cause to be

layd out upon the land lying between Ashley River and Wandoe River, twelve thousand acres of land for a Collony in a Square as much as Navigable Rivers will permitt, bounding same with limitts running directly from East to West and from North to South, beginning upon Ashley River towards the South at a place there knowne by the name of the Oyster Poynt.'

"On the 27th of July, 1672, Sir John Yeamans, the governor, issued a warrant under the authority of the Grand Council to John Culpeper, surveyor general, to 'admeasure and lay out for a town on Oyster Point all that point of land there formerly allotted for the same, adding thereto one hundred and fifty acres of land, or as much thereof as you shall find to be proportionable for the said one hundred and fifty acres in the breadth of land formerly marked to be laid out for Mr. Henry Hughes, Mr. John Coming and Affra, his now wife, and James Robinson, estimated to seven hundred acres and contained between the lands then allotted to be laid out for Mr. Richard Cole, to the North, and a marked Tree, formerly designed to direct the bounding line of the Town to the South.'

"There is no direct evidence that the plan of the town as finally laid out was as made by Culpeper in obedience to these warrants, but there is no evidence, on the other hand, that the plan was made by anyone else. Culpeper left the settlement in 1673. There are no grants of lots specified on the list earlier than February 3, 1679 (new style), when Lot 14 was granted to John Bulline.

"On December 17, 1679, the Lords Proprietors transmitted their instructions in a letter of that date as follows: 'Wee are informed that the Oyster Point is not only a more convenient place to build a towne on that formerly pitched on by the first settlers, but that also the peoples' inclinations tend thither; wherefore, wee think fitt to let you know that the Oyster Point is the place wee doe apoint for the port towne of which you are to take notice and call it Charles Towne, and order the Meetings of the Councell to be there held, and the Secretarys Registers & Surveyors offices to be kept within that towne, and you are to take care to lay out the streets broad and in straight lines, and that in your grant of the Towne lotts you doe bound every ones Land towards the streets in an even line and to suffer no one to incroach with his buildings upon the streets whereby to make them narrower than they were first designed.'

In 1680, the removal seems actually to have taken place, as in their instructions of May 17, 1680, to Governor West, the Lords Proprietors direct: "You are to meete and sit once in two months, on a day certaine at Charlestowne on the Oyster Point, but if there be occasion, the governor alone, or any three of the commissioners, may summon the reste to meete att said place at any tyme between the usuall days to dispatch any busifless that requires haste." While in the year of the removal, the town had but three or four houses, by May, 1682, it is stated, these had increased to about 100.

"To what extent Culpeper's original draft, if he made any, was modified or ignored, under the later instructions from the Lords Proprietors, it is not now possible to say. That the plan as now published is practically the plan as settled and laid out before 1680 is evident from the fact that the number and location of the lots given in the several grants from 1679 conform to the numbers and location as given on the plan. This plan in the grants and in the subsequent conveyances which refer to it is styled the 'Model' or the Grand Model of Charles Town.

"The original plan, or model, was subsequently lost or destroyed.

Copies, however, evidently existed, and a copy or resurvey was made by Colonel Herbert in 1708, which does not, however, appear to have been considered authentic. A resurvey and plan was made by Col. William Bull and Colonel Herbert in 1722 and was submitted to the Assembly in 1723, and about 1746 another resurvey and plan of part of the town was made by George Hunter, surveyor general, and declared by statute to be authentic and correct.

"The copy herewith published was apparently made in 1725, the date of the list, and, it is fair to conclude, represents the original plan or model of the town as laid out by Culpeper in 1672, or, at any rate, as laid out under the directions of the Lords Proprietors prior to 1680, and as resurveyed and as reascertained and platted by Colonel Bull and Colonel Herbert about 1722.

"The present plan runs up on the north to the line of the grant to John Coming. Coming had a grant for two hundred acres in a strip across the peninsular from the Ashley to Cooper River, and the northwestern boundary line of the plan or model is the southeastern boundary of Coming's grant, represented by a direct line from or near the foot of Beaufain Street on Ashley River to, or near, the foot of Hasell Street on Cooper River."

#### SIR FRANCIS NICHOLSON COMMISSIONED GOVERNOR

The proprietary government had been overturned by revolution, and the new order of things had been consistently supported by the Board of Trade and Plantations in London. In answer to the popular appeal which came from South Carolina, the Lords Justices who represented the royal government approved the choice of Sir Francis Nicholson for governor, and the next logical step was to formulate a scheme of government. The latter matter was also referred to the Board of Trade and Plantations which performed that service under the title of "Instructions for Francis Nicholson, Esq., as his Majesty's Captain General and Commander in Chief over the province of Carolina." His commission and instructions were approved in council on the 20th of September, 1720, and on the 27th he was sworn in as governor of South Carolina. He did not arrive in the province until May 22, 1721.

#### A DIVIDED GOVERNMENT

In the meantime, the government was being conducted under a divided allegiance. Governor Johnson had not fully accepted the authority of the revolutionary regime, and had at least issued one military commission to the captain of the king's man-of-war, still stationed at Charles Town. In fact, less than two weeks before Nicholson's arrival he had given Moore notice that he would resume the government for the Proprietors, but upon the landing of the royal governor, with his commission and instructions direct from the king's representatives, he abandoned all such efforts.

Although Nicholson thus came to assume the government in behalf of his Majesty, the best laws which had been enacted under the proprietary system were retained. In the discussion and formulation of the new instructions, which formed the basis of the royal government of South Carolina until the War of the Revolution, Mr. Boone and Colonel Barnwell, the two provincial agents, and Sir Francis Nicholson himself, were in constant conference with the Board of Trade and Plantations. The rulers overseas had learned at least one lesson well;

and that was not to attempt to impose upon the people of South Carolina a cast-iron code of laws in the nature of the Fundamental Constitutions. Thereafter, developmental circumstances were to determine the laws and changes in the home legislation.

#### PERSONALITY OF THE NEW GOVERNOR

As the new governor had enjoyed a broad colonial experience, it was rightly inferred that both his advice in the creation of a new frame of government, as well as his future services, would make him a strong factor in the administration of American affairs. He had successively served as lieutenant governor of the Dominion of New York, as well as of Virginia, and was one of the founders of William and Mary College. Still later he was governor of Maryland, Virginia and Nova Scotia. Sir Francis was one of the most stalwart churchmen then living, and had applied his means and influence in the extension of the Established Church throughout his Majesty's possessions in America. His record had been checkered with success and failure; he was conceited and of rather choleric and volatile temper, although when he assumed the South Carolina administration his experience and his years had tended to somewhat cool his natural ardency.

#### NICHOLSON'S PROVISIONAL GOVERNMENT

The royal government, as headed by Nicholson, was chiefly embodied in the governor and a Council not exceeding twelve of his own appointment. As under the proprietary government, three members were constituted a quorum, although, except under extraordinary circumstances, the governor was not to act with less than five councillors. The election laws of 1716 were left intact, and the only instruction in regard to the complexion of the Assembly was that its members should be elected by freeholders only. His Majesty should finally pass upon bills of an unusual nature; a full report of laws enacted was to be sent to the royal government overseas; monetary measures, as for levying imposts or imposing fines, were to be specially reserved to the Crown, and no public money was to be disbursed except by warrant under the governor's hand and with the advice of the Council.

No laws were to run for less than two years, and repealed acts were not to be re-enacted without the express leave of his Majesty.

Other less agreeable restrictions were placed upon the popular house, or Assembly, such as prohibiting its adjournment, except from day to day, Sundays and holidays, without the leave of the governor, and conferring upon the Council the power of framing or allowing money bills, instead of leaving that ancient right and privilege with the lower body, as with the House of Commons in the mother country.

For the present no changes were to be made in the courts, and liberty of conscience was to be permitted to all persons but papists. The Church of England was to be supported out of the public revenues. Martial law was not to be enforced without the consent of the Council. Justice was to be done to the Indians, their affections gained and the trade with them regulated. Even the governor could not declare war unless it be against Indians, or in emergencies. Among the wise commercial regulations promulgated through these instructions to Governor Nicholson was that stating that "commodities were not to be engrossed"; that is bought up and monopolized to raise prices in preparation for a profitable sale. The food markets were not to be cornered for profit. (Profiteering was emphatically forbidden.)

Soon after his arrival, Governor Nicholson commissioned Col. John Barnwell (who had returned with him from England), commander of the southern forces and sent him to establish a fort on the Altamaha, in accord with plans already formed. He then issued writs for the election of a new Assembly and turned his attention to composing the civil affairs of the province. James Moore, late revolutionary governor, was chosen speaker of that body, and the choice was approved by the governor. The Assembly then proceeded to "make a most joyful and just recognition" of King George as successor to "the crown of Great Britain, France and Ireland, of the Province of South Carolina and all his Majesty's Dominions." All judicial proceedings under the Moore administration were also legalized.

The qualifications of electors were somewhat modified. Instead of the suffrage being dependent upon a residence in the province of six months and personal property ownership of at least £30, a residence of one year and a freehold of at least fifty acres of land, or the payment of a twenty-shilling government tax, were required. To qualify as a member of the Assembly one must have resided a year in the province, own 500 acres of land and ten slaves, or personal property to the value of £1,000. The Barbadian parish system of elections was left virtually intact.

Col. William Bull, George Chicken and John Herbert were appointed commissioners of the Indian trade; Francis Yonge and John Lloyd, colonial or provincial agents, in England, with a committee of six assisting; Alexander Parris, public treasurer; John Brown, comptroller, and Col. Michael Brewton, powder receiver. The Royal Government allowed the choice of the officers mentioned to the Assembly, an extension of popular rights to which the Proprietors had objected.

The agents sent abroad were armed with almost as elaborate a set of instructions as those with which the governor himself was supplied. Until the title to South Carolina had been made absolutely clear—until the Crown had received it from the Proprietors without a shadow upon its title—the new government could only be provisional. Thus, in fact, it remained for seven years, under Sir Francis Nicholson.

#### PROGRAM OF THE AGENTS ABROAD

But the agents had a program laid out for them which prevented them from remaining idle while the title was being cleared up. They were instructed, in case the northern province fell into the king's hands, to have it erected as a dependency of South Carolina. The chief reason given for this proposition was that much difficulty had been experienced in obtaining possession of slaves who had escaped to North Carolina; and the South Carolina owners would suffer even more, if the northern country were entirely beyond the control of their government.

As to other measures which were more domestic, the request was to be made that Charles Town should be incorporated, the municipal government to be founded on the charter of New York City.

To take a cursory view of the original system of government as formed by Nicholson's instructions and the legislation enacted during the first year or so of his provisional government, it may be stated that the governor himself was appointed by his Majesty in council on the recommendation of the Board of Trade. His tenure of office was during the king's pleasure, and the authority of the governor ceased on the arrival of his successor and the publication of his commission.

It will readily be seen what a strong influence the accredited agent of the Assembly would have with his Majesty in either maintaining the governor's good standing with the Crown, or discrediting him and even removing him from office.

By his instructions, Governor Nicholson was to erect no new courts of judicature, nor to displace any judge without good cause. But this was not to be construed to prevent the reorganization of the Court of Chancery, nor the providing for county and precinct courts of limited jurisdiction.

When the Royal Government was installed, under the provisional government the common law courts were to consist of a chief justice and not more than five assistants. These were to be commissioned by the Crown, though vacancies were to be temporarily filled by the governor and Council until his Majesty's pleasure should be known. On June 2, 1721, four days after Governor Nicholson's arrival, Richard Allein was succeeded as chief justice by Francis Yonge, who soon afterward was dispatched to London as one of the agents of the home government. The new bench of assistants appointed to co-operate with the chief justice comprised Charles Hill, John Fenwicke, Samuel Eveleigh, William Dry and Alexander Parris.

The Committee of Correspondence, or as it might be called in later-day terms, Bureau of Information, who were to cooperate with the agents abroad, comprised Arthur Middleton, Ralph Izard, Richard Allein, Thomas Hepworth, Charles Hill, Andrew Allen, William Blakeway, Richard Berresford and John Barnwell.

#### CHANGES IN JUDICIAL SYSTEM

Before the Nicholson government was inducted, an effort was made to introduce a fundamental change into the judicial system of the province, but it was too radical to stand. One of the first acts of the revolutionary party and Assembly was to enact a law regulating the courts of justice, by which all judicial powers were taken from the governor and Council. The act was ratified on February 12, 1720. By it, the judicial system, as it then existed, would have been definitely separated from the executive and legislative functions of the government as is now done, under the national and state constitutions. The chancellor, or head of the Court of Chancery, could be suspended or removed only by the king. Appeals from the common law courts were not to be taken to the governor in council, as hitherto, but to the Court of Chancery. Appeals from the Chancery Court, however, were to be carried to the governor, Council and Assembly, sitting as the Supreme Court of the province. But the law which threatened so many of the prerogatives of the chief executive and the upper house, although placing ample powers with his Majesty, was buried out of sight with the coming of Governor Nicholson.

By act of September 9, 1721, the Chancery Court was reorganized and placed on a statutory basis. The governor and a majority of the Council were authorized to hold the court and exercise all the powers with which any Court of Chancery in America was endowed. The court was always open for the hearing of matters relating to the forwarding of causes brought before it. It met formally four times a year, convening on the first Thursday after the Court of Common Pleas assembled in Charleston.

As the chief justice was ex-officio a member of the Council, to avoid the inconsistency of his sitting in chancery to hear injunctions against himself as a judge, it was provided that the judge of no court

should have a vote in the Court of Chancery in cases pending before him in law. Appeals from that court were taken to his Majesty in council.

#### DISTRIBUTION OF JUDICIAL CONVENIENCES

Repeated mention has been made of the attempts of government to meet the growing demands of the interior settlers for home conveniences in electoral and church matters. Long after they ceased to come to Charles Town to worship or to vote, they were obliged to travel from points far in the back country to the capital if they had any matters which they had to bring before the courts.

This growing evil was noted legislatively, and partially remedied, by the act of September 20, 1721, for establishing county and precinct courts and, specifically, for providing five courts of pleas, assize and gaol delivery—one at Wassamsaw, in Berkeley County, for the parish of St. James's Goose Creek, St. George's and St. John's; another at Echaw, parish of St. James's Santee, for Craven County; a third at Willtown, for Colleton County; a fourth at Beaufort, for Granville County, and a fifth, at or near the plantation of Louis Dutarque, in Berkeley County, to be called Wando precinct, for the parishes of St. Thomas, St. Dennis's and Christ Church. Actions in Berkeley County outside of Wassamsaw and Wando precincts were to be tried at the general court at Charles Town.

As stated by Dr. W. Roy Smith in "South Carolina as a Royal Province": "The courts were moderated after the English courts of quarter sessions. Five judges, commissioned by the governor from among the magistrates of the respective counties and precincts, were placed over each court. Three constituted a quorum for business. Courts were to be held in each precinct or county four times a year, and were to have jurisdiction over all criminal cases not extending to life or limb, and civil cases not involving more than 100 pounds sterling. Under certain restrictions, appeals in civil cases were allowed to the general court at Charles Town.

"Like our boards of county commissioners and supervisors, the judges constituted the county or precinct authority and attended to a number of administrative duties. Thus they were empowered to punish obstinate servants, to license taverns, to bring suit for legacies left for public purposes, to take charge of the estates of orphans, to inspect the accounts of church wardens and overseers of the poor, to lay out and repair roads, to build court houses and gaols and to levy taxes to pay for the same.

"Considerable hardship was caused by the provision in this law for the trial of cases either in the county or precinct in which the defendants lived, or in that in which he was arrested. Settlers on going down to Charleston to market were often seized on debt charges and thrown into prison. The evil was remedied by an additional act of February 23, 1723, requiring that the trial should be held in the defendant's own county or precinct."

The act of September, 1721, was followed by another of February, 1722, which not only further regulated the proceedings of the courts mentioned, but placed powers in their hands for purchasing lands and building courthouses and schoolhouses. No courthouses were ever built under the act. The qualifications of schoolmasters were to be passed upon by the justices of the courts, and each pedagogue was to be paid £25 annually for his services. Each schoolmaster was to teach ten poor children gratis, yearly, if sent to him by the justices. To the two free schools established under the proprie-

tary government, one in Charles Town and one in Goose Creek, others were added by this act, at Wassamsaw, Echaw, Willton, Beaufort and Wando.

#### REVISION OF THE SLAVE CODE

During the year 1722 important steps were taken by the Nicholson administration in at least three subjects of moment to South Carolina and its future—the revision of the slave code, the regulation of the provincial currency and the incorporation of Charles Town. The act passed in the year named codified all previous enactments regarding slavery, which were founded upon similar laws of Barbadoes. On account of the dangerous increase of the blacks in proportion to the number of the whites, efforts had repeatedly been made to overcome the threatened preponderance by heavily taxing imported negroes. The tax had continually increased, by far the heavier impost being laid upon slaves brought from the other colonies or provinces, who were usually undesirables sent away by courts of justice and their own masters for various breaches of the law or bad behavior. Under the law of 1722, the duty upon negroes imported from Africa was £10 per head; upon those imported from America outside of South Carolina, £50.

Notwithstanding the Fundamental Constitutions gave absolute authority over the religion of their slaves, and the highest English authorities had reassured their owners that when the blacks embraced Christianity they were not thereby freed from bondage, there seemed to have always been some latent anxiety on that point. The Churchmen continued to convert the slaves in ever-increasing numbers, and finally, in order to quiet all such fears on the part of the owners of slaves, in 1712 the Assembly made a declaration, and embodied it in a legislative act, to the effect that any negro or Indian slave, by embracing the Christian faith "shall not thereby be manumitted or set free, or his or their owner, master or mistress lose his or their civil right, property and authority over such slave or slaves, but that the said slave or slaves with respect to his servitude shall remain and continue in the same state and condition that he or they was in before the making of the act."

In view of this declaration, by legislative enactment, the clause of 1712 was not repeated in the codification of 1722, although several years afterward the Established Church, through the bishop of London, thought it necessary to address a pastoral letter to English planters in America, reassuring the slave masters on this point. "The Freedom which Christianity gives," says the letter, "is a Freedom from the Bondage of Sin and Satan, and from the Dominion of Men's Lusts and Passions, and inordinate Desires; but as to their outward Condition whatever that was before, whether bond or free, their being baptized and becoming Christians makes no manner of change in it."

#### PAPER CURRENCY COMPLICATIONS

Commencing with September, 1721, and continuing into 1722, various measures were passed to replace old bills of credit which had become worn and to put out new issues to pay the expenses of the government. In the reissues no distinction was made between the bills reprinted and the new issues, nor was it provided when or how they were to be retired. Previous floods of unsecured bills had so depreciated the paper currency as to seriously embarrass the merchants of Charles Town.



On December 5, 1722, the last bill of the year providing for an increase of the provincial bills of credit was presented to the Assembly, and on the following day the merchants and traders of Charles Town presented a memorial and a petition to the governor, Council and Assembly. Both were read in the upper house and sent to the lower. Based on the alleged facts presented, covering the history of the provincial currency from the issue of the first bills in 1703 up to the proposed enactment, the petitioners charged the Assembly with bad faith in repealing the several sinking fund acts, providing for the liquidation of the various issues. They represented twenty-eight of the leading merchants of the province, and protested against a further emission of currency, already so sadly depreciated in purchasing power.

The House resolved itself into a committee of the whole and on December 8th adopted a series of resolutions denying the charges of bad faith, branding the memorial as false and scandalous, and ordering its signers to be taken into custody until they should purge themselves of contempt. The merchants were jailed and made the mistake of petitioning the governor and the Council for a chance to explain. The so-called Upper House allowed them a hearing and then sent the petition and a record of their action down to the Assembly, which immediately ruffled up with the assertion that, as the petition primarily concerned money, it should have come to them first and to his Excellency and his Majesty's Honorable Council afterward.

On December 13th and 14th, the several petitioners acknowledged their fault, confessed that their memorial was false and scandalous, and were dismissed from custody, after paying heavy fines to the clerk and messenger of the house.

The opposition of the Council to the passage of the bill was equally powerless with that of the mercantile body. The upper house declared that there was enough currency in circulation to carry on the trade of the province, but considering the recent losses suffered on account of the floods and the consequent inability of the people to pay their taxes it was willing to confer with the Assembly in regard to printing a limited number of bills. The houses conferred. They agreed that £80,000 should be issued to replace the bills outstanding. They disagreed on the additional amount to be issued to cover government expenses, but the Council finally yielded, and the measure which was finally passed on February 23, 1722, named £40,000 as that amount and, for the further relief of the people, made produce a legal tender in the payment of taxes.

As the bill had to be sent to England for the king's signature, the merchants of Charles Town carried the matter to the royal Board of Trade and Plantations, and petitioned for a repeal of both the laws of September 20, 1721, and February 23, 1723. Upon the recommendation of that body, the Lords Justices in Council granted the petition on the following 27th of August, and Governor Nicholson was instructed to secure the immediate passage of an act to cancel the two issues. This was done in the early part of 1724.

#### CHARLES TOWN'S FIRST YEAR AS A CITY

In the meantime, although the government agents had been asked to obtain the royal permission to incorporate Charles Town as a city, the Assembly, warmly supported by Governor Nicholson, proceeded to take independent action in the line of making the provincial capital a municipality, and charged with the ambition of transforming it into

a southern New York. In June, 1722, on the 23d of that month, the Assembly passed an act for the "good government of Charles Town."

But the town was to be snuffed out as a city when it had enjoyed its glory for but a year, as the following narrative by McCrady represents: "No copy of the text of this act (of incorporation) has been preserved, but from minutes of amendments proposed, found in the Commons journal of the 15th of June, 1722, and occasional allusions to it, we learn that by it the name of the town was changed to that of Charles City and Port; that there was to be an annual election of a mayor on the king's birthday. The mayor and the aldermen were to constitute a General Court, with municipal and legislative, as well as judicial powers, in certain causes. They were to regulate the markets and fairs in the town which was authorized by the act, the first of which was to be kept on the first Tuesday in May and another on his present Majesty's coronation day, the 20th of October, so zealous was the Assembly to impress royalty upon every measure.

"This city government was actually installed and was in operation for a year, when it was repealed by order of the Lords Justices in Council the 27th of June, 1723. William Gibbon appears to have been elected mayor by the Council and House and to have entered upon his duties. As mayor of Charles City he makes representation to the Council of the desire of the General Court, at their own expense, to erect a market place. And the governor sends a message to the Assembly proposing that the sword of state which had been purchased by the country and usually carried before the governor of the Proprietors, but which he did not think proper to be used by any of His Majesty's governors, with the consent of His Majesty's Council and that of the House, should be given to the corporation of Charles City and Port to be carried before the mayor; which suggestion, he supposed, will be approved, as both houses were so sensible of Mr. Gibbon's qualifications that they had unanimously chosen him as the first mayor. The proposition was agreed to.

"The congregation of St. Philip's first worshipped in the new brick church (which had been begun in 1710 and was just now completed) on Easter Sunday, 1723; whereupon it was ordered by the Assembly that the old church and churchyard should be given to the corporation of Charles City for the holding of their General Court and for public uses—all persons, nevertheless, being at liberty to be buried in the churchyard near their relatives.

"But the sword of state had not long to bear the ignominy of this degradation from a provincial to a municipal position; the passage of the act was bitterly resented, and appeals were at once made both at home and in England for its repeal. A petition was addressed to Hon. James Moore, speaker, and the rest of the Commons House of Assembly by persons claiming to be the major part of the inhabitants of the town against it, and praying its repeal. In the signatures to this petition which have been preserved, there are one hundred and twenty names, more than half of which are French, many being those of the Huguenot families who were to be most conspicuous in the colony—Henry Peronneau, John Simons, Peter Manigault, John Laurens, Solomon Legare, Jean Bonnetheau, Joel Poinsett, Isaac Mazyck and others. There are a few names of prominent English colonists, as Samuel Eveleigh, one of the Council, Francis Holmes, John Grimball and others; but besides these there are none of the names which we should expect to see to a petition of such consequence, if the measure was an unpopular one. And this, Governor Nicholson was quick to point out.

"His Excellency was incensed at the opposition and flew into one of the passions for which he had been noted in his younger days. He sent a message to the Assembly, contemptuously alluding to the signers of the petition as strangers, sailors, convicts and keepers of punch-houses. He pointed out that the opposition came from the country and not from the townspeople. But this could only have been true in part.

"The Huguenots whom we have mentioned were citizens of the town. Mr. Eveleigh occupied too high a position to be put down by the ill temper of the governor. He insisted that the townspeople had been surprised into the law and, in behalf of Eleazar Allen and himself and other inhabitants, he had a memorial presented to the lords commissioners of trade by Mr. Richard Shelton, who, having been heard for the memorialists, and Mr. Yonge, agent of Carolina, against it, the lords of trade recommended to the lords justices that the act should be repealed, which was ordered by their Lordships on the 27th of June, 1723."

#### COLONIAL AND PROVINCIAL AGENTS

In the course of this narrative, repeated mention has been made of the activities of various agents sent to England to represent special measures, individuals or factions, and, occasionally, the lower house, or Assembly. Thus, an earnest though not always effective endeavor was made to keep the provincial government in close touch with the governing powers in the mother country. The agent was often decidedly prejudiced, and was more prone to misrepresent than to represent, but some such go-between was necessary until the days of complete independence should arrive.

The first legislative act to give this agent a general official standing was passed in December, 1712, and was entitled an "Act for appointing an Agent to solicit the affairs of this province in the Kingdom of Great Britain." Landgrave Abel Kettleby, the appointee, was delegated to represent the interests of the province before Parliament. The Assembly evidently was doubtful of his ability to represent the popular interests in its contest with the Lords Proprietors, and in February, 1715, appointed Joseph Boone and Richard Berresford to perform that mission. In case they were unsuccessful in their contentions with the Proprietors, they were authorized to appeal to the Crown.

The American colonies had similar agents, or agencies, and the official became generally known as the Colonial Agent, although, in the case of South Carolina, the correct style of the title should have been Provincial Agent. Such an agent created by an act of the General Assembly for a definite time, with a definite salary and equally under the control of Council and Assembly, did not come into existence until after the establishment of the royal government. By an act of September 19, 1721, provision was made for such an agency, and, as has been stated, Francis Yonge, of the Council, and John Lloyd, of the Assembly, were selected as its members.

The preamble to the act stated the necessity of having someone in England to look after the interests of the province and declared that this could best be done by sending a member of the Council and a member of the Commons House who were well versed in provincial affairs. They were instructed to obey such orders as they might receive from the governor, Council and Assembly before embarkation and from the Committee of Correspondence (whose members have been mentioned) afterward. The latter were to carry on a regular

correspondence with the agents, send over the orders of the General Assembly and give such instructions as they thought proper, when the Assembly was not in session. The agents were paid £3,100 currency in advance. The act was to continue in force one year from the date of ratification.

A glance at the instructions to Yonge and Lloyd will convey some idea of what an agent was expected to do. They were to make an effort to induce the Crown to purchase the territorial rights of the Proprietors and make North Carolina a dependency of South Carolina; to ask his Majesty to supply the province with arms and ammunition and to send over three or four regiments to protect the frontiers; to represent the dangerous consequences of the encroachments of the Spanish and French and especially of their intrigues among the Indians; to complain to the commissioners of the customs about the conduct of Col. William Rhett, surveyor and controller of the customs, to solicit leave to make Port Royal a port of entry; to ask that Charles Town might be incorporated with a charter similar to that of the City of New York; to endeavor to secure a bounty on naval stores and to have rice taken off the enumerated list; to answer questions relative to the state of the province; and finally, to solicit the royal assent to all acts and ordinances sent over by the provincial Assembly.

Lloyd returned to South Carolina in the winter of 1722-23. With one or two intermissions, during which the province had no agent, Yonge was regularly reelected until 1727. His salary soon became definitely fixed at £200 sterling per annum.\*

The later portion of Governor Nicholson's administration, while the royal government was still nebulous, was filled with trials and perplexities for the chief executive; for agencies and influences against him were in operation both in England and South Carolina. His government was purely provisional and that fact alone had a tendency to discredit it. The personality of the governor was disturbing, and the sparks flew when it came in contact with such as Trott and Rhett.† The Proprietors had not yet relinquished the fight to regain control. Nicholson had incurred the hostility of the merchants in both Charles Town and London because of his position on the currency, and the English contingent had even gone so far as to request his removal from the governorship. As he had other personal and administrative explanations to make direct to the Board of Trade and Plantations, he had already requested leave of absence to do so, and in December, 1724, he was looking forward to his departure. Various matters postpone it, however, until April, 1725, and his sailing really completed the period of provisional government under Royalty.

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\* W. Roy Smith's "South Carolina as a Royal Province."

† Rhett died of apoplexy in January, 1723.

James Moore passed away in February of that year.

## CHAPTER XIII

### ARTHUR MIDDLETON'S ADMINISTRATIONS (1725-1730)

When Governor Nicholson departed from South Carolina in April 1725, the royal instructions which he had brought with him provided for his successor in the person of the oldest councillor, who happened to be Arthur Middleton, then president of the Council and speaker of the Assembly which had rebelled against the proprietary government and been the chief means of placing South Carolina under the rule of the king. If Nicholson's position was difficult, Middleton's was surcharged with trouble.

Not only were the old Indian enemies of the province, the Yemassee, instigated by the Spaniards, threatening the fort on the Altamaha and the country roundabout, but the Creeks and Cherokees, incited by the French, were in arms. Not only were domestic matters still in a ferment, but the cause of the Proprietors in Great Britain had been strengthened by the return of the palatine, Lord John Carteret, from Sweden, and his appointment as one of the secretaries of state, in which capacity he was also administering the government of South Carolina for the king. As the Crown had not yet arranged for his eighth share in the old proprietary government, he was doubly interested in the official affairs of the province. Viewed from the standpoint of South Carolina affairs, Carteret was therefore the most influential man in England.

Former Governor Robert Johnson, who had been treated with such disdain by the Proprietors manipulated by Trott and Rhett, was endeavoring to reinstate himself in the good graces of the powers then uppermost. He therefore suggested to my Lord Carteret that the latter put himself forward as a candidate for the Carolina government and that he, Johnson, as lieutenant governor, would be honored to serve as his deputy, while the palatine and secretary of state remained comfortably in England. The suggestion was not taken by Lord John Carteret, although it was not long before Johnson accomplished his purpose in another way.

And while these machinations were under way overseas, and during the very early period of Mr. Middleton's administration as "President and Commander-in-chief," the protests of the Spanish governor and ambassador against the building of the fort on the Altamaha as an infringement on the dominion of Spain, brought up the pressing problem of definitely fixing the boundaries between South Carolina and Florida. Two Spanish deputies were sent from St. Augustine to Charles Town in an effort to determine such bounds. They were received by President Middleton and his Council, who, as a preliminary to the negotiations, were assured that Fort King George was within the bounds of the Carolina charter, and had been erected on the frontier to protect the property and the rights of the province.

Then the South Carolina government, through its "president," demanded to know why the Spaniards had not only protected felons

who had fled from the province, but had even encouraged slaves to desert their masters and take asylum in St. Augustine. The Spanish deputies replied that they would deliver all felons, but the slaves were another matter. The king had given them orders to pay for the runaway slaves, but as possible converts to the Catholic faith it was claimed, with characteristic hypocrisy, that they could not be turned back to their former masters to be held in bondage. It was common knowledge that the Spaniards held their Christian slaves in bondage; and, moreover, the question had been settled in the British domains, both by the government and the church, to the effect that slaves were personal property and their spiritual condition had no relation to that matter. Thus Mr. Middleton informed the Spanish deputies, and the meeting was adjourned without any definite accomplishment.

As the fort on the Altamaha was a far southern outpost, isolated and especially subject to attack from the Yamassees, its garrison had from the first been dissatisfied and finally reached almost a state of rebellion. Soon after it had been established, in June, 1723, the able and popular Col. John Barnwell, had died, and this fact had tended to loosen discipline. The latter had been succeeded by William Palmer, a young man who had already signally distinguished himself in the Yamassees war, and who, assuming the other important duties formerly assigned to Colonel Barnwell, was also placed in charge of the defence of the southern frontier.

In January, 1726, soon after the negotiations at Charles Town between the Spanish deputies and the South Carolina authorities had come to naught, the fort on the Altamaha was burned. In view of the mutinous spirit of the garrison, and, especially, since twelve of its number had actually deserted to St. Augustine—these facts coupled with the general knowledge that the Spaniards wished, above all things which could occur in that part of the country, the removal of that very fort, gave the event quite a sinister appearance and quite in keeping with the Spanish reputation for deceit and intrigue. But a special agent subsequently sent from England to investigate the circumstances could find no proof of any criminal origin of the fire. On the contrary, the probabilities pointed to the likelihood that as the poverty of the public treasury had prevented a decent maintenance of the lonesome frontier post, and a fire happened to break out, the garrison was luke warm as to whether or not the flames were stayed. Well, Fort King George was burned to the ground, and what was left of the small independent company originally raised to garrison it was stationed at Port Royal.

#### PALMER'S CAMPAIGN IN FLORIDA

The undefined frontier, again quite unprotected, was an invitation to murder and slave-capture to which the Yamassees were not slow to respond. White men were scalped and killed and slaves carried off to St. Augustine, but the people of South Carolina were compensated for neither outrage, great or small. Finally these depredations became unbearable, and Col. William Palmer was appointed by Mr. Middleton as commander-in-chief of any forces which might be organized to march against the Indians and put a stop to them. That young and intrepid campaigner at once organized a body of about three hundred militia and friendly Indians, and carried the war to the very gates of St. Augustine.

Hewat, in his "History of South Carolina," is authority for the statements that Colonel Palmer compelled the inhabitants of Florida'

capital to take refuge in their castle, having spread desolation through their province. Scarcely a house or a hut escaped the flames. He destroyed their provisions in the fields and drove off their cattle, hogs and horses. Some Indians he killed and others he made prisoners. In short, he left the people of Florida little property except what was protected by the guns of their fort, and by this expedition convinced the Spaniards of their weakness and the danger of encouraging Indians to molest the subjects of Britain. He showed the Spaniards that the Carolinians, if provoked to retaliate, could prevent the cultivation and settlement of their province and render their improvement of it impracticable on any other than peaceable terms with their neighbors.

The closing days of the Middleton administration were marked by an event most dissimilar to the destructive campaign which Palmer waged against the enemy Indians and whites of Spanish Florida. The southern frontier was quieted, but the country to the west and southwest threatened by the Creeks and the Cherokees, under the influence of the French, was in a state of constant apprehension. These American rivals were extending their control up the Mobile River and they had already won over the Upper Creeks, whose hunting grounds extended to Fort Alabama, and through that tribe the French were gradually obtaining the alliance of the more distant and powerful Cherokees. To checkmate their moves, which were designed to organize these tribes and others with whom they were friendly against the English, the Carolinians employed Capt. Tobias Fitch among the Creeks and Col. George Chicken among the Cherokees. These agents had been busily engaged in fulfilling their mission and preparing the way for a principal, who should have the authority and ability to secure a better understanding between the royal government of the province and its most powerful Indian enemies, the Cherokees.

Therefore, near the end of the Middleton government, after Robert Johnson had been selected to inaugurate the first regular royal administration, Sir Alexander Cumming was sent out as a commissioner to conclude a treaty of peace and alliance with that warlike people. The account of his endeavors and success, which were concluded in the British realm across the water, has been given with graphic detail by Alexander Hewat in his "Rise and Progress of the Colonies of South Carolina and Georgia," and all narratives covering these matters which have been subsequently published have drawn from his publication as their main source of information.

About the beginning of the year 1730, Sir Alexander arrived in Carolina and made preparations for his journey to the distant hills. He procured some Indian traders as guides; also an interpreter, who understood the Cherokee language. When he reached Keowee, about 300 miles from Charles Town, he met the chiefs of the lower towns, and thence dispatched messengers to other portions of the Cherokee territory summoning a general conference at Nequassee.

In April, 1730, the chief warriors of the nation assembled at that place, and Sir Alexander Cumming introduced himself as the representative of King George who had come from afar to demand of Moytoy and all the Cherokee leaders obedience to his good and powerful sovereign. The chiefs fell on their knees and promised. By their unanimous consent, Sir Alexander then nominated Moytoy commander-in-chief of the Cherokee nation, and enjoined all the warriors of the different tribes to acknowledge him for their king, to whom they were to be accountable for their conduct. To this they all agreed, provided Moytoy should be made answerable to Sir Alex-









to their children and their children's children; to bind this agreement between the English and Cherokees "as long as the rivers shall run, the mountains shall last, or the sun shall shine."

The treaty was certified and approved by Sir Alexander Cumming, and was formally accepted, in behalf of the Cherokees, by Skijagustah, who made an earnest and most reassuring speech. Then laying down his feathers upon the table he concluded: "This is our way of talking, which is the same thing to us as your letters in the book are to you, and to you, beloved men, we deliver these feathers in confirmation of all we have said."

In consequence of this treaty, the Cherokees remained, for many years, in a state of practically uninterrupted friendship and peace with the people of South Carolina, who followed their various employments in their hunting grounds without fear of molestation.

But before the Indian chiefs were to return to Carolina, impressed with the grand and strange sights of London and the great white people with whom they had formed an alliance, as well as placated and softened by the kind and generous nature of their reception, a number of events worthy of brief note had occurred in the province.

#### THE CHEROKEE COUNTRY IN 1730

A good idea of the extent of country known as the Cherokee Country may be obtained through the map prepared in 1730 by George Hunter, a professional surveyor who afterward became surveyor general of the province of South Carolina. John Herbert, one of the commissioners of the Indian trade, had already prepared a map of that region which stretched to the Mississippi, and Hunter had traveled the trader's route through the Cherokee country and published his journal as his *Observations*. Both map and *Observations* were condensed in the publication of 1730, which carries the title: "This represents the Cherokee Nation, by Col. Herbert's map and my own *Observations*, with the path to Charles Town, its course and (distance measured by my watch) the names of branches, rivers and creeks, as given them by traders along that Nation.

"May 21, 1730                      Certified by me      George Hunter."

It is stated in the table of distances entered on Hunter's map that Keowee, or Kewohee, where Sir Alexander Cumming met the first of the Cherokee chiefs, was 302 miles from Charles Town, and that it was reckoned only half way to Tunassee, the capital of the Cherokee country; for, although the actual distance from Kewohee to Tunassee was only 200 miles, by reason of the mountainous country through which the traveler had to pass, the actual route was much longer.

In Hunter's map appears for the first time the locality "96," which he says was so named by the traders because the locality was ninety-six miles from Keowee. From the map it also appears that the streams in the Cherokee country were numbered in ascending numbers from the Congarees to Ninety-six and in the same manner from Keowee to Ninety-six. So that in 1730, more than a decade before white settlers had commenced to come into the up-country of South Carolina in considerable numbers, Ninety-six had been set apart for prominence by the pioneer traders and surveyors of the period and the province.\*

In the following year, an unsuccessful attempt was made to found

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\* See A. S. Salley, Jr.'s, *Bulletin No. 4*; "George Hunter's Map of the Cherokee Country," etc.

a Swiss colony in the swampy country of the lower Savannah, on the Carolina side about thirty miles from the coast. The enterprise was headed by Jean Pierre Purry, a native Swiss and formerly director general in the French service of the India Company. He had commenced negotiations with the Proprietors, some years before, and they had granted him a barony of 12,000 acres, provided he would transport 300 people at his own expense, within a year from the date of the grant, and another barony of a like tract when he should settle 1,200 more people in the province. Purry decided the location for his colony upon the theory that the ideal country, both as to healthful climate and productive conditions, must lie along the thirty-third degree of latitude. In South Carolina, that region would be along the lower reaches of the Savannah River. That settled it; and when the royal government succeeded the proprietary he continued his negotiations where he had dropped them with the Proprietors. The promises made by the Proprietors were recognized by his Majesty's government in South Carolina, and in the fall of 1731 Purry was permitted to choose the site of his colony on the borders of the Savannah.

#### PURRY'S ADVERTISEMENT

Having found the locality to his liking, a grant was issued to him under the Great Seal of the Province, dated September 1, 1731. It covered what was known as Purrysburg or Swiss Quarter, and its proprietor immediately issued a pamphlet explaining and exploiting his project. In his introductory, he explains how his town of Purrysburg fits into a general scheme of town-building. "The king of Great Britain," it says, "having about three years ago purchased this province of the Lords Proprietors thereof, has since studied to make agriculture, commerce and navigation flourish in it. His Majesty immediately nominated Colonel Johnson, a worthy gentleman, to be governor thereof; who, at his departure for Carolina, received divers orders and instructions, but in particular was directed instantly to mark out places in a proper situation for building eleven towns, viz.—

Two on the River Altamaha  
Two on the River Savanna  
One at the head of the River Pon Pon  
Two at the River Santee  
One at the River Watery  
One at the Black River  
One at the River Wacomau, and  
One at the River Pedee.

"The district of each of these towns is to contain the extent of 20,000 acres of land, formed into a square bordering on the river, and divided into shares of fifty acres for each man, woman or child of one family; which may be augmented as the planters shall be in a condition to cultivate a larger quantity of ground; and every one of them shall have an equal share of the better and worse lands and also the same right on the river."

Each town was to form a parish, and provision was made for a common of 300 acres for every town, with specified rents for leased lands and grants to servants. To further the founding of Purrysburg, especially, the Assembly granted to its proprietor £400 sterling and provisions for the maintenance of 300 persons for one year,

"provided they be all persons of good repute and Swiss Protestants, and that they come to Carolina within the space of two years."

"The town of Purrysburg," adds the advertisement, "will be situated thirty miles from the sea and about seven miles from the highest tide. The land about it is a most delightful plain and the greatest part of very good soil, especially for pasturage, and the rest proper enough for some productions. It was formerly called the great Yamasse Port, and is esteemed by the inhabitants of the province the best place in all Carolina, although never yet possessed but by the Indians, who were driven thence by the English several years ago and have never dared to return thither."

The Savannah River, the Purrysburg neighborhood and South Carolina, as a province, are highly extolled as to their products and live stock. Purry's general picture of the commerce of South Carolina at that time (1731) is worthy of reproduction here: "The trade of Carolina is now so considerable that of late years there has sail'd from thence Annually above 200 ships laden with merchandise of the Growth of the country, besides three ships of war, which they commonly have for the security of the commerce; and last winter they had constantly five, the least of which had above one hundred men on board.

"It appears from the Customhouse Entries from March, 1730, to March, 1731, that there sail'd within that time from Charles Town, 207 ships, most of them for England, which carried among other goods, 41,957 barrels of rice (about 500 pound weight per barrel), 10,754 barrels of Pitch, 2,063 of Tar and 1,159 of Turpentine; of deer skins, 300 casks, containing 800 or 900 each; besides a vast quantity of Indian corn, Pease, Beans, etc., Beef, Pork and other salted Flesh; Beams, Planks and Timber for Building—most part of Cedar, Cypress, Sassafras, Oak, Walnut and Pine.

"They carry on a great trade with the Indians, from whom they get these great quantities of deer skins and those of other wild beasts, in exchange for which they give them only Lead, Powder, Coarse Cloth, Vermillion, Iron ware and some other goods, by which they have a very considerable profit.

"The great number of slaves makes another part of the riches of this province, there being above 40,000 Negroes, which are worth, one with another, 100 crowns each.

"There were between 500 and 600 houses in Charles Town, and most of them were very costly; besides five handsome churches, viz.—one for those of the Church of England, one for the Presbyterians, one for the Anabaptists, one for the Quakers and one for the French.

"If you travel into the country, you will see stately buildings, noble castles and an infinite number of all sorts of cattle. If it be asked, What has produced all this? The answer is, 't is only the rich land of Carolina."

#### GHOSTS OF FAILURE

Evidently the head of the Swiss quarter saw the disagreeable threat of Malaria, and he tried to lay it as an unsubstantial ghost. "Some people will object," he writes, "that this country is feverish and unhealthy, and all the advantages which might be found in other respects would not make amends for loss of health: Besides, that you are plagued there with several sorts of insects, and especially with great rattle-snakes, so that you are in danger of your life every moment.

"To this we answer, that if people are sick there, 'tis generally

an effect of their bad conduct and not knowing how to regulate themselves suitably to the country where they live; for 't is very certain that those who observe precautions have as good health there as they would in other places. But the better to understand this affair, you must know that the uncultivated lands of Carolina, as well as the other adjacent provinces which extend much further than Canada, being wholly covered with large pine trees (very cold in their nature); and when the vapours which they have attracted and retained come to be dispersed by a northerly wind, you feel a cold almost as sharp as in Europe. So that in one day you will find a considerable change of air. This, then, together with the debauches made by punch, strong Maderia wines and the eating of unripe fruits, is the real source of the sicknesses there; for sensual persons, who have not the power to deny themselves anything, when they find that a hot day is succeeded by a great coolness towards evening, expose themselves to it with great pleasure, without troubling themselves as to the consequence; and when this pleasure is succeeded by rheumatisms, fevers or other distempers, they never fail of pouring out curses on the country, rather than on their own carelessness or excess. And 't is very common for those newly arrived to say, when they have got an illness, that 't is a tribute they must pay to the climate. But such as take care to keep their breasts always warm, to shun the great transpirations of the air, to cover themselves well in the night, especially in summer, and in other respects to live regularly, will certainly enjoy as good health there as in any other part of the world.

"There are few insects in Carolina that can reasonably be complained of, except a sort of gnats, which they call Muscatoes; and there is scarcely any of these except in low grounds, or near the rivers. But if a house is troubled with them, it is easily remedied by opening the windows about sun-setting and shutting them again a little before the close of the twilight, the Muscatoes never failing to quit the house about that time; and for better security, they make fine gauze-work about their beds, which keeps them off.

"There are people in Europe, especially in England, that tremble only at the name of a rattle-snake, imagining that the country of Carolina is so full of them, there is no going into the woods without danger of life. But this is an error as ill-grounded as the most part of the other reports spread abroad to the disadvantage of this New World. At least, 't is certain that this serpent is seldom seen, and if they are met do very little hurt, except they are provoked to defend themselves. Besides, they never fail of giving you notice of their approach by their rattles, which may be heard at a considerable distance. 'T is also said that the venom of this serpent is mortal, and kills in a very short time if not prevented by some antidotes. But these remedies are well known by everybody in the country.

"When Mr. Purry went with his small company to chuse out a spot of land on the River Savanna, the people told him before their departure from Charles Town that they had great reason to fear these rattle-snakes, the country being full of them; and that they ought to keep a good guard against them. However, they did not as much as see one of these serpents, nor of any other sort, for the fifteen days that they travelled about in the woods, though it was in the middle of summer at a time when all serpents are out of their holes. It is very seldom that any person is bitten by these snakes, or by those of other kinds, which are much more common; that it would be very difficult to find so much as one person in all Carolina that has ever had this misfortune. There are also some crockodiles in the rivers,

but the people fear them no more than if they were so many fishes, since it was never known that they have hurt any person whatsoever."

The proposals made by Mr. Purry "for the encouragement of such Swiss Protestants as should agree to accompany him to Carolina to settle a new colony" embraced both servants and independent settlers. The servants were required to be carpenters, vine planters, husbandmen or good laborers, and "must have at least three or four good shirts and a suit of clothes each." They were to be paid 100 livres yearly, or 50 "crowns of the money of Newfchatel in Swisserland." Expert carpenters were to be given three years' contracts, to be paid at the end of each year, their passage money from Switzerland to be advanced out of their wages, as well as actual necessities during their terms of employment. If they happened to "fall sick," they would be supported during their illness, but their wages were to stop during that period and medical or surgical fees be deducted.

The proposals and the descriptive matter comprising the pamphlet were signed by John Peter Purry, of Neufchatel; James Richard, of Geneva; Abraham Meuron and Henry Raymond, of St. Sulpy, in the county of Neufchatel.

The sequel to the Swiss colonization scheme and the founding of Purrysburg is reserved for a somewhat later period, the most considerable immigration occurring in 1733-35. It failed utterly to be the earthly paradise described by Purry. The ghosts of malaria and swamp fevers materialized and made of no avail all these practical, and wise provisions arranged for the hardy and industrious colonists from Switzerland.

About midway in the Middleton administration, Charles Town was visited by two public calamities to which, as this history proves, she was unfortunately prone. In vain, however, have flood, fire, pestilence and war battered at the high spirit of the people by the sea. They may have been discouraged for a time, but have always rebounded to their old-time standard of optimism and confidence in a stable future.

#### HURRICANE AND YELLOW FEVER SWEEP CHARLES TOWN

The best accounts of the dreadful hurricane and the fatal sweep of yellow fever in 1728 is contained in Dr. Hewatt's work. According to his narratives the summer of that year had been unusually hot and there was a general and distressing drought. Following such a season, violent wind storms were customary, but the fury of the hurricane which burst upon the coast during the last of August was unprecedented. It piled the waters over the low lands; battered at the fortifications in the harbor and ruined many sections of them; drove twenty-three ships ashore and either greatly damaged them or dashed them to pieces; and rushed gigantic waves through the streets of Charles Town, obliging the inhabitants to take refuge in the higher stories of their buildings. The Fox and Garland, the men-of-war stationed at Charles Town for the protection of trade, were the only ships that rode out the storm intact. Though the hurricane levelled many thousands of trees on the coast, so thick was the forest at that time that the storm was scarcely perceived a hundred miles from the shore.

The year 1728 also witnessed a very fatal epidemic of yellow fever, which attacked white and black indiscriminately. Heretofore, the negroes had been more prone to succumb than the whites. To add to the horror of the situation, was a shortage of provisions which, in many quarters, threatened to bring starvation to those who survived.

The town depended upon the country for such supplies, and the planters refused to allow their servants to go to Charles Town while the fever raged. Although South Carolinians in after times were to take the highest rank in the practice of medicine, the physicians and nurses of that day naturally had very crude ideas as to the proper treatment of yellow fever. It was not until late in the nineteenth century that the role of the "Muscatoes" was recognized as the cause of that plague. Again, it was impossible to find sufficient white persons to bury the dead, and so quick was the decomposition, and so offensive and infectious were the corpses, that even near relatives shrank from the duty of interment.



## CHAPTER XIV

### JOHNSON AND BROUGHTON ADMINISTRATIONS (1731-1737)

It was not until May, 1727, that the Proprietors were at length satisfied that they had lost the government of South Carolina and petitioned King George to assume it himself. But his Majesty died before he received the petition, and it was left to George II to take over the province and appoint Robert Johnson as the first regular royal governor. Governor Johnson had been patient and come into his own. All provisionable arrangements were at an end.

Although the governor's commission and instructions had been in preparation as early as December, 1729, the chief executive of the province did not arrive in Charles Town until the beginning of 1731. He also brought with him a commission for his brother-in-law, Thomas Broughton, as lieutenant governor, and Robert Wright, as chief justice.

Aside from these weighty documents, Governor Johnson brought to Carolina the Cherokee chiefs who were to go into their broad country to tell of the might and kindness of the British king and his people. Soon after landing he announced as members of his Council, William Bull, James Kinloch, Alexander Skene, John Fenwicke, Arthur Middleton, Joseph Wragg, Francis Yonge, John Hammerton and Thomas Waring.

The royal government, now to be inaugurated, comprised the governor, the Council and Assembly, the three branches of the Legislature. The first two, with the lieutenant governor, were appointed by the king, and the members of the Assembly were elected by the freeholders, as under the Nicholson administration. The official title of the executive head of the province was "Governor in chief and Captain General in and over the province"; by virtue of his office, he was also vice admiral. The surveyor general of his Majesty's customs in the colonies had a seat in council in all the governments within his district, sitting with the regular members appointed by the king. The outward appearance would indicate that the governor was really the executive head of the province, but, in fact, he was little more than the agent of the Board of Trade. The governor had a veto power, so that no law could go to the Board of Trade without his concurrence; on the other hand no measure could be enforced without the permission of that body.

The power of the Board was further intensified by the fact that its clerk was also provost marshal of the province, the functions of which office, with its contingent fees, he exercised through a resident deputy, for "he feared that the establishment of courts with sheriffs in the new settlements would deprive him of the fees which came to him as marshal of the whole province."

In many ways, the autocratic rule of the Proprietors had been exchanged for the arbitrary government of the Board of Trade.

"The style and character of the two houses," says McCrady; "and their relation to each other, became and continued throughout the

royal government to be the subject of question and discussion, as they had under that of the Proprietors. It is well, therefore, to observe here that the style of enacting laws under the provisional government had been by 'his Excellency, the Governor, by and with the advice and consent of the Council and Assembly of this Province.' Under Governor Johnson, in 1731, this power for a time was modified so as to read 'by and with the advice and consent of his Majesty's honorable Council and the Commons House of Assembly.' But the title 'Commons House' had been expressly prohibited by special instructions to Governor Nicholson in 1729, and the title Lower House, prescribed. In 1733 recurrence was had to the prescribed form, and it continued to be used until 1755, when, under Governor Glen, in the enacting clause of the statute the Lower House was again styled the Commons House of Assembly, and the form was preserved during the remainder of the royal government." During the controversy as to the right of the Council to alter or amend a tax bill, which occurred during the last days of Governor Johnson's administration, and which outlasted his life, the Council is spoken of in the Commons journal indifferently as a Board and as an Upper House, and in the declaration upon the subject the Commons caused to be engrossed upon a separate page in large and bold letters, the words "The Upper House of Assembly."

"For some time after the establishment of the royal government, the councillors were chosen for the men of highest position in the province and these served without emolument or reward save the high estimation attached to the office; but as time went on and estrangement grew up between the mother country and the colonies, seats in the Council were filled by strangers—mere place men—who came out to fill small offices on paltry salaries."

#### ST. PHILIP'S PARISH THE MUNICIPAL GOVERNMENT

Since the repeal of the act which incorporated Charles Town as a city, in 1723, the local government had reverted to St. Philip's parish, which was the unit of both civil and ecclesiastical administration covering the provincial capital. The minutes of St. Philip's have been preserved continuously since 1732, and in the minutes of the first vestry of record in that year, which falls during the earlier portion of Governor Johnson's administration, occur the names of three prominent Huguenots, which indicates the close connection of the French Protestants and the Church of England, and re-enforces the statement previously made, that they were never considered by that body as dissenters.

In this first vestry, which was also performing the duties of the local government of Charles Town, were Col. Samuel Prioleau, whose father Elias had been the distinguished founder of the Huguenot Church in Charles Town; Gabriel Manigault, who became the richest merchant and planter in South Carolina, a man of determined will and public spirit and yet most popular with all classes; and John Abraham Motte, founder of the noted family of that name.

#### THE CAROLINA BOUNDARY DISPUTES

The first matter of importance to be handled by Governor Johnson was the boundary between North and South Carolina. Both Governor George Burrington, of the northern province, and himself had been called before the Board of Trade and consulted on that subject which, it was seen, would have to be settled at an early period.

Notwithstanding this precaution, a vexatious misunderstanding arose between the two during the second year of Governor Johnson's administration. In their original representation made to the Board of Trade in London, the governor of North Carolina held that the boundary should be the Waccamaw River, while Governor Johnson insisted that the Board adhere to its first instructions fixing the point on the seacoast whence the line was to be extended thirty miles southwest of the mouth of the Cape Fear River. As a compromise, according to Johnson's understanding, it was agreed that this should be the boundary between the Carolinas unless the mouth of the Waccamaw River was within thirty miles of the Cape Fear, in which case the Waccamaw was to be the boundary.

An addition made to the Board of Trade's final instruction made all the trouble; for their Lordships did not keep the locus of the mouth of the Waccamaw clearly in view, only specifying that the Waccamaw should be the boundary if it "runs within fifty miles of Cape Fear." As the mouth of the Waccamaw is within forty miles of Cape Fear, its course certainly fell within the fifty mile limit, and as Governor Johnson knew nothing of the addition to Governor Burrington's original instructions he considered the northern boundary of South Carolina, the line extended from a point thirty miles southwest of the mouth of the Cape Fear.

The result appeared in a notification published in the South Carolina Gazette, in October, 1732, by which the governor of North Carolina warns several persons in South Carolina who had arranged to survey certain lands "formerly possessed by the Congerree Indians" that they were within his government and that therefore they would part with their money to no purpose. He then publishes his Majesty's instructions for surveying the boundary between the two provinces.

Governor Burrington's manifesto brought a rejoinder from Governor Johnson in the next issue of the Gazette, in which he gave his version of the boundary arrangements and stated that he had appealed to his Majesty, through the Board of Trade, for further orders. There, for a time, rested the disagreement, which eventually deprived South Carolina of valuable territory; a dispute which was not to be settled definitely until 1815.

#### HOW PORT ROYAL BECAME PARRIS ISLAND

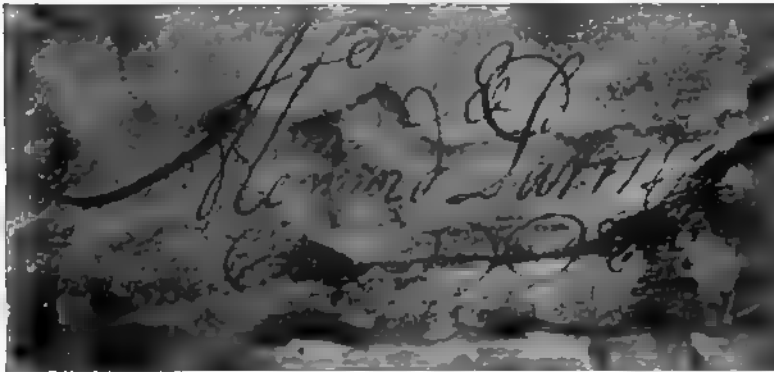
More than half of the present County of Beaufort, at the southern tip of South Carolina, is divided into islands, one of the larger of which is Port Royal. Port Royal Island of the earlier period, in which Ribault figured so prominently, was the small body of land to the south of the larger, which is now called Parris Island. It was named after Col. Alexander Parris, for many years public treasurer of South Carolina and otherwise a leader in its development, and Archer Creek, which separates Parris from Port Royal Island commemorates the name of the owner of the land who conveyed it to Colonel Parris.

From one of the bulletins prepared by A. S. Salley, Jr., secretary of the Historical Commission of South Carolina, is taken the following extract from a memorial entered for record in the office of his Majesty's auditor for South Carolina, May 10, 1733, by Alexander Parris. In it he describes the tract of land covering what is now Parris Island, and gives a short history of it, as follows: "One tract of land, containing three thousand and twenty acres, called Port Royal Island, lying and being in the parish of St. Helena, in Granville County, being one large island and eight smaller, granted unto Robert

Daniell Esqr., by a grant dated the 9th day of May, 1706, at the yearly rent of one shilling per 100 acres, butting and bounding to the southwest on Port Royal River, to the northwest on a creek running out of said river, to the northeast on a creek running out of Port Royal River, which said tract of land was conveyed unto the said Alexander Parris by a deed of sale signed by Edward Archer, dated the 1st day of July, 1715.

"N. B. One thousand three hundred and twenty acres of the above large island was given by a deed of gift signed by Alexander Parris unto John Dela Beene."

Thus is described the status of the island in 1733. Colonel Parris died three years afterward. From 1736 to 1917, or a period of more than 180 years, "this historic island continued in the hands of private citizens and was used for agricultural purposes. In 1820, when a map of Beaufort district was prepared for Mill's Atlas of South Carolina,



HIS SIGNATURE FROM OLD DOCUMENT

Through the courtesy of A. S. Salley, Jr.

seven plantation homes were given thereon as being on Parris Island. These were of the Edings, Barnwell, Grayson, Cartwright, Elliott, Habersham and Means families. After the entrance of the United States into the war against Germany, it was acquired by the government for a training ground for the United States Marine Corps, and in the last two years (written in 1919) has probably seen more activities than in all of its previous interesting history."

#### THE COLONIZATION OF GEORGIA

The period covering the years 1732-36 was one of great additions to the colonists of South Carolina, English, Irish, Scotch, Welsh, Swiss and Germans—all being represented in the emigrations from the Old World. To James Edward Oglethorpe, member of the British Parliament, so deeply interested in the improvement of the pitiable condition of the debtors and criminals in his mother land, was granted the charter (in June, 1732), upon which was founded the colony of Georgia between the Savannah and the Altamaha rivers. That territory was to be an asylum for these unfortunates and a frontier belt between the settled portions of South Carolina and the Spanish claims, leaving still a sort of No-man's Land between the Altamaha and the St. Mary's rivers, afterward, in 1763, annexed to Georgia by royal proclamation.

In the winter and the spring of 1733 Oglethorpe planted his colony

and founded Savannah. He arrived at Charles Town with the pioneer emigrants on the 13th of January, 1733, and, after being courteously received by Governor Johnson and Council, the ship on which they had taken passage was piloted to Port Royal, where small vessels were provided with which to take the colonists to the Savannah River. A week after their arrival at Charles Town, the colonists landed at Beaufort and occupied the new barracks there.

Oglethorpe and Col. William Bull, whom the Assembly had especially delegated to assist him, explored the country on the western shore of the Savannah River and selected a high and pleasant site for the town to which they gave the Indian name of the river. They platted the place and, with the assistance of a number of laborers whom Colonel Bull had brought with them, commenced the erection of a small fort, Colonel Bull himself assisting in measuring the scantling and setting work for the sawyers.

From the first, Governor Johnson, the Council and Assembly, with all the people of any standing in Charles Town, generously assisted in the founding of Savannah. They loaned their servants to help the colonists in the felling of trees and the building of huts, and sent them live stock and provisions, while Oglethorpe himself shared in all the labors and hardships incident to such pioneering. Oglethorpe having put his new town in as strong a state of defence as possible and taken hostages of the Indians, returned to Charles Town to solicit further assistance. He was again received with the highest honors by all the government bodies and chief officials, and, what was more to the practical purposes of his mission, the Assembly and the Committee of Supply guaranteed £10,000 for the first two years of the colony's life and citizens subscribed an additional £1,000.

As to the social and public functions of the occasion, the Gazette of May 23, 1733, has this: "Last week the Assembly sent a message by two of their members to compliment Mr. Oglethorpe, and invite the Governor and himself to dinner. There was a very handsome entertainment, which concluded with the drinking of healths to his Majesty, the Royal Family, etc., and firing the cannon. On Thursday, Mr. Oglethorpe invited his Excellency the Governor and Council to dinner, and at night he gave a ball and a cold supper to the ladies at the Council Chamber. There was there the greatest appearance of fashion that has been known on such an occasion."

#### FIRST SOUTH CAROLINA NEWSPAPER

Unless Mr. Salley is correct in his contention that Eleazar Phillips, Jr., published a paper known as *The South Carolina Weekly Journal* in Charles Town before 1732, the first newspaper published in that town was *The South Carolina Gazette* which first appeared on January 8, 1732, of which T. Whitmarsh was the proprietor. The death of the publisher in September, 1733, by yellow fever, left the province without a newspaper until 1734 when on February 2d L. Timothee, who soon anglicized his name to Lewis Timothy, issued the paper under the same title and presumably from the same press. This is the first appearance in South Carolina of a name well known in Charleston journalism until April, 1809, when Lewis Timothy's great grandson, Peter Timothy Marchant, retired as part proprietor of the *Charleston Courier*. Lewis Timothy, having been accidentally killed in December, 1738, his wife, Elizabeth Timothy, became editor and proprietor, and his son Peter the printer of the *Gazette*. The *Hartford Courant* boasts that the Widow Watson owned, edited and pub-

lished that paper in 1776 and was "the first woman editor in the United States." It would appear that a strong claim to priority could be made for Elizabeth Timothy of Charles Town, thirty-eight years earlier.

Peter Timothy was an ardent patriot, as shown by his strong advocacy of freedom and liberty in his paper and by his correspondence with John Adams.

In the year 1732 the fever appeared as early as May and continued until September or October. At the height of the epidemic there were from eight to twelve whites buried in a day, besides people of color, and it will readily be seen what a fearful inroad was made in the population of the town. The ringing of bells was forbidden and little or no business was done.

#### IMMIGRATION OF IRISH PROTESTANTS

In November, 1732, James Pringle and other Irish Protestants were allowed passage money by the Council, provided they would settle in the township of Williamsburg on the Black River, which had been laid out during the previous year. The township had been named in honor of William III, Prince of Orange, and its twenty square miles of territory was granted to these Irish Presbyterians with guarantees that they should be allowed full liberty of worship according to the tenets of their faith. Among those who came over in the first immigration of 1732 were members of the Witherspoon family, so widely scattered and afterward of marked eminence through South Carolina. The ancestral home was Glasgow, Scotland, whence they had emigrated to County Down, Ireland.

The first state of the Irish settlement was hard indeed, but perseverance, continued accessions of new colonists and negro slaves to do the hardest of the work, brought final relief and comfort. On the whole, they were much more healthy and their hardships less severe than those suffered by the Swiss colonists, and they had the ultimate satisfaction of reaching the goal of their efforts—fair provision for the comfort, if not prosperity, of themselves and those depending upon them.

#### THE SWISS COLONISTS

The Swiss, to the number of 170, who responded so confidently to Purry's bright representation of the ideal conditions on the eastern shores of the lower Savannah, had accompanied their leader to the site of Purrysburg. These emigrants were Presbyterians and Calvinists. As showing their disposition toward the Established Church, their minister, the Rev. Joseph Buginon, was ordained by the Episcopal bishop of London. The second delegation, which arrived in November, 1734, consisted of 260 members, and their minister, the Rev. Henry Chiffelle, was also ordained by Doctor Gibson, bishop of London.

Other colonies joined the residents of Purrysburg, from time to time, in 1734 and 1735, so that by the latter year the town contained 100 dwellings. The governor and Council also encouraged the Swiss colonists, but the change from the exhilarating mountain country of Switzerland to the enervating lowlands of the Savannah wrought havoc in their constitutions, with the natural effect of making them listless and discouraged. They became discontented with the nature of the assistance rendered by the government and the character of the

agents employed to distribute it. Not a few of those at Purrysburg sickened and died, and others found the hardships of this first stage of colonization almost unbearable and in a few years the place was practically abandoned.

Although perhaps half a dozen white settlers had located at the Cowpens, on Lyons Creek and other points in what is now Orangeburg County, during the early years of the eighteenth century, it was not until 1735 that they began to arrive in any considerable number. In July of that year, according to the *South Carolina Gazette* (publication of which had been resumed), 200 Germans, called by the colonists Palatines, settled in territory now embraced in Orangeburg Township. They were also known in those days as Redemptionists. Most of them were farmers but so poor that they were obliged to sell themselves as laborers from three to five years in order to pay their passage money and that of their wives and children. They occupied



PRINCE GEORGE WINGATE EPISCOPAL CHURCH (Erected in 1736)

a tract fifteen miles by five which had been allotted to them by the government and was called Orange, in honor of the prince.

With the German Redemptionists were also about 220 Swiss, whose expenses had been paid by the government, and who, like their unfortunate countrymen at Purrysburg were Presbyterians or Calvinists.

The Germans were undoubtedly Lutherans, and their pastors received Episcopal ordination and both placed themselves under the protection of the Established Church, and thus were not dissenters. The Lutheran minister was the Rev. John Ulrich Giessendanner and his successor was a nephew by the same name, their combined ministrations over this first religious organization of Orangeburg extending from 1735 to 1760.

#### FOUNDING OF GEORGETOWN

In the meantime, Georgetown, at the mouth of the Black River and nearly midway between Charles Town and the North Carolina boundary, had been taking shape. It was the third town in the province, and is believed to have been laid out about January, 1734. The name Georgetown is mentioned in an act of the Assembly passed in

the previous year, but the papers conveying the 274 acres of the original site, from the Rev. Elisha Screven, son of the Rev. William Screven, to George Pawley, William Swinton and Daniel La Roche, trustees, were dated January 14 and 15, 1734. The deed conveys to the trustees 174½ acres "for a Town to be called by the name of George Town as the same has been already laid out by said Elisha Screven into lots," and also "100 acres for the purposes of a common for the use of the inhabitants of the town."

The land opposite Capt. Robert Screven's plantation was the site of the town, deeds for which were not recorded until that year. In 1735 George Pawley, William Swinton, Daniel La Roche and two others, were appointed harbor commissioners to lay out buoys, erect beacons and regulate pilotage.

#### GOVERNOR JOHNSON'S DEATH

Governor Johnson died May 3, 1735. His record as a representative of royalty during a period of more than four years had proved the strength of his character as a fair and considerate man, if not to his fame as a public servant, and the people of the province who had despised the proprietary regime, had always honored its representative and had come to speak of him now as "good Governor Robert Johnson." The obituary in the South Carolina Gazette of May 10, 1735, is enlightening.

"On Saturday last (May 3d), between twelve and one o'clock died, after a long and lingering illness, his Excellency, Robert Johnson, Esq. Captain General, Governor and Commander in Chief in and over this, his Majesty's Province, and was decently interred on Monday last in a vault near the altar in Charles Town Church. His pall was supported by the gentlemen of his Council and his corpse was attended to the grave by the Lower House of Assembly preceded by the Speaker and a numerous body of Gentlemen and Ladies, who came from all parts of the Province where timely notice could be had of his death to pay the last respects to one whom they might justly look upon as their common father.

"The Troop and two companies of the Charles Town Foot appeared on the melancholy occasion to add to the solemnity of the procession. The principal mourners were his Excellency's two sons and two daughters, his brother-in-law, Thomas Broughton, Esq., the present governor, and his family. His Excellency died in the 59th year of his age and the 5th of his government. He had on his advancement disposed of all his patrimony in England, so that his interest might concur with his inclination in promoting the welfare of that country his Majesty had done him the honor to intrust him with the care of, and accordingly always kept up a good correspondence with the Assembly, as they were all fully convinced by the whole tenor of his conduct that the interest of the province lay principally at his heart. But it is needless to enlarge upon a life and character so well known, and which has rendered his death so universally and deservedly lamented over the whole province."

Altogether, Governor Johnson was one of the early executives of the province whose fame rests upon both ability and high moral character, with a fine admixture of human and humane qualities. The monument to his memory erected by order of the General Assembly in St. Philip's Church was a well deserved tribute to a great man. It was destroyed when that historic church was burned a century after.



## THE WELCH TRACT AND NECK

Thomas Broughton, lieutenant governor and brother-in-law of Robert Johnson, immediately assumed the government and issued a proclamation to that effect. It was under his administration, in 1736, that Welch colonists from Pennsylvania, whose advance agents had explored the country several months before, commenced to settle on the Great Pee Dee River, a short distance above the mouth of the Little Pee Dee. In November of that year his Majesty's surveyor general directed John Ouldfield to lay out a tract of land for the colonization of these emigrants, containing 173,840 acres in Craven County, 10,000 acres of which were to be within the limits of Queensboro Township.

The tract surveyed and extending up the river but a short distance above Mars Bluff, seems not to have been adapted to the wants of the Welch colonists, and they therefore petitioned for an extension of their grant. They claimed that the lands "would not suit their intention of planting hemp and flax." By the extension of their grant the Welch Tract, as it was called, was run up to the juncture of the Yadkin and Uwhare or Rocky rivers, a point considerably above the boundary between North and South Carolina. As the lands embraced some of the richest alluvial tracts along the upper waters of the Peedee, in Northeastern South Carolina, the coming of these hardy Welchmen had a marked effect in the opening of the up-country to settlement.

Even before these grants were allowed, a few scattering settlers had located in this neighborhood of the Peedee. One Joseph Dopson, perhaps a squatter, was granted a tract of 130 acres as early as May, 1733, and grants on the west side of the river, in the upper part of what is now Darlington County, were made in 1734. Lands were surveyed for Richard Barrow in what was called soon after, the Welch Neck, as early as January, 1736.

"In 1736, or early in the following year," says Bishop Gregg in his History of the Old Cheraws, "a company of the Welch settled on Cat Fish, a stream in what is now Marion District, in the tract first assigned them. Among these were Jenkin and Owen David. They remained there a short time, and then removed higher up the river to the neighborhood of the Welch Neck.

"As appears from the petition which led to the extension of the Welch Tract much above its original boundary, the lands on the upper Peedee seemed to have suited their agricultural purposes better, being well adapted also to settlements immediately contiguous to the river.

"To that rich and compact body of land, embraced in a bend of the river opposite the present village of Society Hill (near the northern boundary of Darlington County), and called, from an early period, the Welch Neck, the attention of these prudent settlers appears from the first to have been directed. And there they began to gather in a body. The Welch Neck extended from Crooked Creek above (on its outer line), to the Red Bluff below, a distance of about six miles, embracing the rich lands of the swamp several miles across.

"By the later part of 1737, most of the families from Pennsylvania had arrived, and the infant colony began to assume an organized and permanent character. Under its leader, James James, Esq., were laid the foundations of future growth and prosperity. Mr. James was possessed of larger means than any of his companions and the most prominent individual among them."

From these Welsh emigrants to the Peedee section, as will hereafter be noted, descended many men who were distinguished in the history of the province, the colony and the State.

#### BROUGHTON ADMINISTRATION MATTERS

These fortuitous Welsh settlements, which were to have so decided an influence on the trend of South Carolina's history, constituted one of the few marked features of the Broughton administration. Legislative matters might largely be designated as arguments, disputes and downright quarrels over the prerogatives of the Council and Assembly in matters of money supplies designed to keep the government machinery in motion. In the final historic outcome, it may be that all this commotion was justifiable and this spending of the people's time and means reasonable, in the violent thrashing over of the question as to whether the Council had the right to amend a tax bill which originated in the Assembly. If anything had been settled definitely, it might have been worth while; but in the end it was declared by the Commons House that although the upper body had assumed repeatedly that it had the power, the Assembly had never consented to such assumption. And so the matter rested as it was before.

One indirect advantage developed from the discussion, however, and that was the introduction to the active public affairs of South Carolina of a remarkable character, who was to have much to do with the molding of its history. Charles Pinckney appeared as the leader of the Commons House and spokesman of the special committee appointed by that body to make a thorough examination of the whole matter. The other members of the committee were Othneal Beale, formerly captain commanding a ship engaged in the Carolina trade and then prominent in the affairs of the province, and Andrew Rutledge, a brilliant Irish lawyer, who had then been a resident of Charles Town for about four years, and who was to become prominent in his own person and founder of one of the most distinguished of South Carolina families. But at this particular period, it was Charles Pinckney who was to appear with especial prominence, both as spokesman of the committee which vigorously protested against the assumption of the Council that it had the right to meddle with money or supply bills originating in the lower house, as well as of the other committee, mentioned particularly, which was to make a thorough survey of the question with a view of ascertaining what actions had previously been taken on similar measures. Without going into the details, Mr. Pinckney reported a message to the Commons House, which was signed by the speaker of that body and sent to the Council, to the effect that the Assembly had never allowed any such privilege to the upper house.

Upon the report of the first committee, prepared by Mr. Pinckney, and the rejection of the supply bill by the Commons House, as amended by the Council, Lieutenant Governor Broughton prorogued the Assembly, as a recalcitrant body, on the 29th of March, adjourning it until the 15th of April.

While the question remained unanswered and all money supplies were temporarily blocked, occurred the death of Lieutenant Governor Broughton, the acting executive of the province, on the 22d of November, 1737. As Arthur Middleton, president of the Council, had died on the 6th of the previous September, the administration of the government fell to William Bull, the senior member and president of the upper house.

## THE PEOPLE'S COURTS

Something definite was also accomplished in the way of regulating the Court of Common Pleas and the justices' courts—in other words, the portion of the judiciary of the province to which the people most commonly resorted. The former was placed on a statutory basis by an act of March 5, 1737, just as the Court of General Sessions had been by an act passed in 1731. The Court of Common Pleas was to meet in February, May, August and November, and was to exercise all of the powers of the Court of Common Pleas at Westminster.

South Carolina had had justices of the peace since the establishment of the colony; in the royal period justices of the peace were commissioned by the governor and Council and they held office during his Majesty's pleasure. As an illustration, a new commission, dated March 26, 1737, appointed 101 justices for Berkeley County; twenty for Colleton; twenty-four for Craven; thirteen for Granville, and two for New Windsor (Fort Moore) and the parts adjacent. The commission also covered members of the Council and of the Assembly residing in Berkeley County; the chief justice of the province and his assistants; the secretary, attorney general, master in chancery and a number of other officials.

Dr. W. Roy Smith in "South Carolina as a Royal Province" thus defines their functions, which, as will be seen, reached down into the practical affairs of the people: "Their powers and duties were determined by English tradition, provincial statutes and instructions from the governor and Council. One or more justices were empowered to hear and decide in a summary manner all actions for debts not exceeding a certain amount, forty shillings sterling until 1727, and twenty pounds currency, equal to about fifty-six shillings, after that date. They committed men to prison and released them on bail, issued warrants of the peace and warrants of hue and cry, administered oaths, took depositions, attested the returns of appraisement and issued certificates for the heads of wild beasts, so that the owner could get his bounty. They also acted as toll masters—that is, took charge of stray live stock, advertised for the owners and, if they were unclaimed, sold them for the benefit of the public and the informers. One justice and three freeholders sat as a court to determine the amount of damages arising from an abuse of riparian rights."

## THE WESLEY BROTHERS IN CHARLES TOWN

It was during Governor Broughton's administration, in July, 1736, that the two Wesley brothers—John, the elder, the founder of Methodism, and Charles, better known as the hymn writer—made their first visit to Charles Town. Since the previous February, they had been engaged in missionary work at Savannah, Georgia, and Charles, who was in delicate health, was to embark for England in the following month. From the first, it was evident that the elder brother was of the stronger physique and character, and he it was who was not only to remain in Georgia as the propagator of the new faith but was now bearing from General Oglethorpe to Governor Broughton, various letters in regard to the respective rights of Georgia and South Carolina in the Indian trade.

The two brothers attended St. Philip's Church on August 1st, the day after their arrival in Charles Town. It is said (Shipp's "History of Methodism") that they "found about three hundred present at the morning service and about fifty at the holy communion. Mr. John

Wesley was invited to preach to the congregation, but either through desire to hear Commissary Alexander Garden, or because of the official character of his visit, which was of difficulty and delicacy, he declined the invitation.

"On Monday, the second of August, Mr. Wesley set out to visit Governor Broughton and to deliver the official letters sent by Governor Oglethorpe. Governor Broughton lived in the parish of St. Johns, a pleasant and healthful part of the country on the western branch of the Cooper River. He was a worthy gentleman and serious Christian and, coming to reside in the parish soon after the church building was completed in 1711, very generously adorned it with a pulpit, reading desk, pews, communion table and railing around the chancel—all made of cedar. His residence was about thirty miles from Charles Town and stood very pleasantly on a little hill, with a vale on either side, in one of which was a thick wood; the other was planted with rice and Indian corn.

"Mr. Wesley utilized this visit by gaining all the information in his power regarding the churches. He learned that particular interest had been shown in giving Christian instruction to the negroes in the parish of Goose Creek, where a few years before the Rev. Mr. Ludlam had admitted a number to baptism, and said, if their masters would heartily concur to forward so good a work, all that were born in the country might, without much difficulty, be instructed and received into the church; and also in the parish of St. George, where the Rev. Mr. Varnod had baptized fifty negroes belonging to Alexander Skeene. Mr. Wesley at once conceived a desire to see this work in person, and set out the next day to visit Mr. Skeene, who resided on his plantation west of the Ashley River and about twenty-eight miles from Charles Town; but, his horse breaking down, he was obliged to forego the pleasure of the visit and return by the most direct route to the city.

"Charles Wesley, after spending eleven days in Charles Town, in agreeable and profitable Christian intercourse with the people, but in a state of health too feeble to allow of his preaching, went on board, August 11, 1736, to commence his voyage to England.

"Mr. Wesley took leave of his brother on Thursday, the 5th of August, and being disappointed in getting passage to return by the expected time in the boat of Colonel William Bull, went out to Ashley Ferry, intending to walk to Port Royal; but Edward Belinger not only provided him a horse, but rode with him ten miles and sent his son twenty miles farther to Combahee Ferry; whence, having hired horses and a guide, he went to Beaufort, or Port Royal, the next evening. He took boat Saturday morning, but, the wind being contrary and very high, he did not reach Savannah till Sunday in the afternoon."

John Wesley's second and third (last) visits to Charles Town were also made during the Broughton administration, both in 1737. His second visit, during which he landed at the capital on the 12th of April, was specially made to lay before Rev. Alexander Garden—who, as commissary of the bishop of London, had spiritual jurisdiction over the two Carolinas and Georgia—the case of a clergyman in South Carolina who had married several of his parishioners without either banns or license, and who declared he would do so in the future. Mr. Wesley was assured that such irregularities would not be allowed, and, at the commissary's invitation, preached his first sermon at St. Philip's, on Sunday, April 17, 1737. Being obliged to return to Savannah by land, as he was disappointed of a passage home by water, the great

Methodist preached at several places on the way to Purrysburg, and also conversed on religious subjects with the negroes whom he met.

#### BASIS OF MISSIONARY WORK AMONG SOUTHERN NEGROES

Mr. Wesley's interest in the religious welfare of the colored race was greatly intensified by these experiences, and he then laid down the plan of instruction which was adopted 100 years afterward by the South Carolina Conference of the Methodist Episcopal Church, and made the basis of all missionary operations among the negroes. "One of the easiest and shortest ways to instruct the American negroes in Christianity would be, first, to inquire after and find out some of the most serious of the planters; then, having inquired of them which of their slaves were best inclined and understood English, to go to them from plantation to plantation, staying as long as appeared necessary at each. Three or four gentlemen in Carolina I have met with that would be sincerely glad of such an assistant, who might pursue his work with no more hindrances than must everywhere attend the preaching of the Gospel."

Mr. Wesley's third and last visit to Charles Town was made on the occasion of his embarking for England. He traveled overland with four companions, one of whom intended to accompany him to England and the other three to settle in Carolina. The party was lost in the swamps and woods between Purrysburg and Port Royal and nearly succumbed to hunger and thirst. Thence they walked to Beaufort and took boat for Charles Town where they arrived, about a week after their start from Savannah, on December 13, 1737. After reading public prayers and preaching several times in that city and parting with the last of those Methodist friends who came with him to America, Charles Delamotte, he took leave of Carolina on Saturday, December 24th, and about noon lost sight of its shores, which was the farewell to the New World of this apostle of Christianity.

## CHAPTER XV

### FIRST BULL ADMINISTRATION (1737-1743)

Several times in the course of this history, William Bull, son of the emigrant Stephen Bull has figured, and always with approval. He had been one of the commissioners of the Indian trade, member of the Council, and first assistant to Oglethorpe in the colony of Georgia. At the death of Lieutenant Governor Broughton on November 22, 1737, the government devolved upon Mr. Bull, who was then president of the Council, and he assumed administration of the affairs at a critical time in both the internal and external affairs of the province. It would appear that the office of governor of South Carolina "went begging" for in July, 1736, it had been announced at Whitehall that General Anstruther had been appointed to succeed Governor Johnson, but nothing more was heard of it. Then, in 1738 Col. Samuel Horsey was appointed but he died before he set sail from England.

Colonel Bull was appointed lieutenant governor June 3, 1738, but it was not until the following Christmas that the king named James Glen as governor; and the latter did not arrive in the province of which he was really chief executive until December, 1743, during which period the ever dependable Bull administered its affairs.

#### PUBLIC AFFAIRS IN GENERAL

These years were ever memorable for important and perplexing legislation, and for many stirring events. Charles Pinckney, who had been elected speaker of the Commons House in November, 1736, was more than ever the strong figure in the fight with the upper house over its power to alter or control money and supply bills, but even after the tax bill was passed in December, 1739, to provide for the new expedition against St. Augustine, the matter was still in abeyance, each body claiming that its stand had always been legitimate and just.

The Council asserted its authority in another direction with more success. In April, 1739, the governor was excluded from the debates and deliberations of that body, and from that time his duties were substantially those of an executive only, with veto power. Through Chief Justice Wright, the independence of the judiciary had been maintained; so that the three distinct departments of the provincial government, the basis of the state, had already been defined—the executive, the legislative and the judicial. The success of the Assembly in electing a public treasurer against the will of the lieutenant governor and Council was another notable evidence of the growing power of Lieutenant Governor Bull on the whole, gave satisfaction; although, because of the irrepressible conflict between the upper house and the Commons he did dissolve the Assembly once and order a new election. For the ravages of small pox and yellow fever and the dis-

astrous fire in Charleston no governor or Council or lower house could be held responsible. The Spaniards incited the negro insurrection on the Stono, and bungling Governor Oglethorpe was mainly responsible for the failure of the expedition against St. Augustine.

#### THE YEARS OF PLAGUE

The years 1738 and 1739 were especially disastrous for Charles-town. During the first year named, small pox, imported from Guinea, spread rapidly and with appalling results for a time. It is said that inoculation was first attempted with some success during this outbreak in South Carolina.

Yellow fever again appeared in 1739 and raged as violently as in 1728 and 1732. Among its victims were Chief Justice Robert Wright; Maurice Lewis, judge of the vice admiralty and master in chancery; Mr. Higginson, surveyor of the customs; Mr. Amyand, clerk of the assembly, and Mr. Strahan, clerk of the Court of Admiralty. So violent was the outbreak that the lieutenant governor was forced to prorogue the Assembly.

#### NEGRO REBELLION AT STONO

For a number of years previous to this period, various writers and public men of the province beginning with Lieutenant Governor Gibbes as early as 1711, had been calling attention to the alarming increase of negro slaves as compared with the whites; notwithstanding which, importations were rapidly increasing. In 1738 and 1739, these representations and warnings became the burden of much of the newspaper correspondence as published in the Gazette. The following is a typical presentation of the matter: "I cannot avoid observing that altho a few negroes annually imported into the province might be of advantage to most people, yet such a large importation of 2,600 or 2,800 every year, is not only a loss to many, but in the end may prove the ruin of the province, as it certainly does that of many industrious planters who unwarily engage in buying more than they have occasion, or are able, to pay for."

Possessed of such knowledge and these expressed fears for the safety of the province, it is little wonder that the Spaniards, who had been consistently coaxing Carolina slaves to St. Augustine and forming them into military organizations, should instigate to rebellion the slaves who remained with their old masters. Finally, in the fall of 1739, the fears of those who had been putting forth their warnings for a number of years were realized in negro uprisings at Stono, near John's Island, a few miles southwest of Charles Town.

In describing the rebellion, McCrady, largely following Hewatt, says: "On the 9th of September, 1739, a number of negroes assembled at Stono and began their movement by breaking open a store, killing two young men who guarded the warehouse and plundering it with guns and ammunition. Thus provided with arms, they chose one of their number captain, and marched in the direction of Florida with colors flying and drums beating. On their way they entered the house of Mr. Godfrey, murdered him, his wife and children, took all the arms in the house and, setting fire to it, proceeded to Jacksonborough. In their march they plundered and burned every house, killed the white people and compelled other negroes to join them.

"Lieutenant Governor Bull, happening to be on his way to Charles Town, probably from Beaufort, observing this body of armed ne-

groes rode out of his way and avoided them. He crossed over to John's Island and thence reached Charles Town with the first intelligence. Mr. Golightly, also seeing and avoiding them, went directly to the Presbyterian Church at Wiltown and gave the alarm. By a law of the province, all persons were required to carry arms to church, and as it was Sunday Mr. Golightly found there a body of armed men and proceeded with them to engage the negroes about eight miles distant.

"The women were left trembling with fear while the militia marched in quest of the negroes, who, by this time, had become much more formidable from their numbers. For fifteen miles they had spread desolation through all the plantations on their way. Fortunately, having found rum in some houses, and, drinking freely of it, they halted and began to sing and dance. During these rejoicings the militia came up and took positions to prevent escape, then advancing and killing some, the remainder of the negroes dispersed and fled to the woods. Many ran back to the plantations to which they belonged, in the hope of escaping suspicion of having joined in the rising; but the greater part were taken and tried. Some of those who had been compelled to join were pardoned; the leaders suffered death. Twenty-one whites and forty-four negroes lost their lives in this insurrection." \*

An official report prepared in the following year at the instance of the Assembly describing the deplorable affair says: "On this occasion every breast was filled with concern. Evil brought home to us within our very doors awakened the attention of the most unthinking. Everyone that had any relation, any tie of nature, everyone that had a life to lose, was in the worst possible manner shocked at such danger daily hanging over their heads. With regret we bewailed our peculiar case that we could not enjoy the benefit of peace like the rest of mankind, and that our industry should be the means of taking from us all the sweets of life and of rendering us liable to the loss of our lives and fortunes. With indignation, we looked at St. Augustine like another Sallee, the den of thieves and ruffians, receptacle of debtors, servants and slaves—bane of industry and society—and revolved in our minds all the injuries this province had received from thence ever since the first settlement."

As stated, it was believed this negro insurrection had been instigated. To prevent further attempts, Governor Bull sent an express to General Oglethorpe in Georgia, urging him to double his vigilance in the apprehension of straggling Spaniards and negroes. A company of rangers was employed to patrol the frontier and close up all passages by which they might make their escape to Florida.

\* There were two other notable slave insurrections in South Carolina: One at Camden in 1816 and another at Charleston in 1822. One of the pamphleteers, Benjamin Elliott, describing the Charleston outbreak and comparing the penalties inflicted there in 1822 with the insurrection "meditated in 1741" in New York, says: "there were 2,000 negroes and 12,000 whites in the city of New York. It was there found necessary to burn thirteen and to hang eighteen negroes with four whites; to transport eighty negroes and five whites." Here are the comparative tables:

	In New York	In Charleston
Executed .....	35	35
Transported .....	85	37
	120	72



## THE SLAVE CODE OF 1740

The insurrection of slaves in 1739, with its actual bloodshed and glowering apprehensions of future atrocities, alarmed the people of South Carolina to good purpose. More stringent precautions were taken against the recurrence of such uprisings, and the conclusion was also reached that certain changes in the status of the black in his relation to the white might be made with safety, by which the slave might be protected from the oppression or cruelty of a bad master. Apart from Spanish propaganda the rapid and wide spread of the rebellion made it evident that there must be some substantial cause for this feeling of hatred evinced by so many negroes toward their masters.

It was while the expedition against St. Augustine was in progress that the second revision of the slave code, as adopted by the provisional government of 1722, was effected by the Assembly. Succinctly stated, it imposed a fine of five pounds currency on anyone who should employ a slave in other than a work of necessity on the Lord's day. The sale of strong liquor to slaves was prohibited. In case they were not decently cared for, justices of the peace could enforce their orders to have the bondpeople humanely treated. Owners were prohibited from working their slaves more than fifteen hours in the twenty-four from the 25th of March to the 25th of September, or more than fourteen hours daily from the latter date to the 25th of March. In case of physical injury or murder of slaves by whites, either masters or care-takers, various provisions were made by which the negro was given a fair measure of justice. To provide against abuses or cruelties practiced upon slaves who might be far removed from the eyes of white witnesses, the new law provided that "if any slave should suffer in life or limb, or be beaten or abused contrary to the direction of the act, when no white person was present, or, being present, refused to give evidence the owner or person in charge of such slave should be deemed guilty of the offense, unless he made the contrary appear by good and sufficient evidence, or by his own oath cleared and exculpated himself. This oath was to prevail, if clear proof of the offense was not made by at least two witnesses. In case of alleged cruelty to a slave in the absence of white witnesses, the burden of proof was with the person making the charge, while the oath of the person charged might exculpate him unless against the oath of two white witnesses."

## THE PATROL SYSTEM

The patrol system, a part of the militia organization, was organized early in the eighteenth century, but after the Stono insurrection an act was passed for the division of the province into regular patrol districts and increasing the power of the patrol riders. On each muster day, the captain of militia checked off not more than seven names on each list of persons who were required to serve until the next muster day, a period of about two months. The patrol law of 1746, practically the same as the act of 1740 was renewed from time to time, was made perpetual in 1783, and with some slight changes remained in force until 1865.\* McCrady, commenting on an inaccurate and partisan statement of Hildreth, has shown very clearly the influence of the Barbadian slave code upon the Carolina of 1712.†

\* W. Roy Smith: "South Carolina as a Royal Province."

† H. M. Henry: "The Police Control of the Slave in South Carolina."

H. M. Henry in comparing the two codes notes the following similarities: No white person was to suffer punishment for injuring or killing a slave who resisted lawful chastisement; at first only a fine was imposed upon a white person for the murder of a negro, although later, as in South Carolina, the penalty was made death; the slave was denied the right of self defense against a white person; \* \* \* the court for the trial of slaves was composed of magistrates and free holders, though an unanimous verdict was necessary for conviction of a capital offense, which was not the case in South Carolina. Some of the provisions of the code harsh and cruel to modern eyes, were not so regarded throughout the civilized world in the eighteenth century. They were framed to apply to negroes with barbaric traits, fresh from Africa.

The revised slave code of South Carolina, as devised by the Assembly of 1740, remained substantially the law in regard to slavery until the commencement of the War of Secession, a little more than 120 years later.

#### ATTEMPTED CONTROL OF IMMIGRATION

The provincial authorities now undertook a vigorous campaign to discourage the importation of negro slaves and encourage the immigration of desirable, if poor, Protestants. An act was passed not long after the revision of the slave code, designed to especially check the importation of slaves from the coast of Africa, who were considered most savage and dangerous to the public peace and safety. The purchase tax upon the slaves increased according to specified height,—e. g., "ten pounds for a negro 4 feet 2 inches high"—and the sums thus raised were applied to the cost of transportation of white Protestants, thereby endeavoring to overcome the alarming disproportion of blacks as compared with whites. Besides the tax levied on the first purchase of negroes who had not been six months in the province, and who therefore fell in the class of "imports," an additional tax of fifty pounds was imposed after they became residents. These measures, so long as they were in force, fulfilled their objects, and cut off nearly all but the natural increase of the negro population.

As an inducement to the immigration of the Protestants, the Act of Assembly provided each man not over fifty years of age with implements and tools, as well as provisions for one year, and a cow and calf were also furnished every five persons who could actually settle in any of the townships laid out, or in any other of the frontier places in the province to which they might be directed by the governor.

#### MORE TROUBLE WITH SPAIN

The preparations for the St. Augustine expedition under General Oglethorpe, and the more scattered acts of war against the Spaniards by the provincials of South Carolina, covered a number of years. Some time before war was formally declared between Spain and Great Britain an open state of hostility existed both on the high seas and on the mainland of South Carolina and Florida. The erection and garrisoning of St. George's Fort on the St. John's River by Oglethorpe and the patrolling of that stream by British guard boats had called forth the demands from a Spanish commissioner from St. Augustine that the English should withdraw from all territory south of the St. Helena. The Spanish ambassador at London had

made the even more preposterous demand that the British should recall Oglethorpe, and should abandon the North American continent south of 36 degrees and 50 minutes, or substantially the territory south of the present boundary between the Carolinas.

In the midst of these preliminary hostilities and rumors of greater, General Oglethorpe sailed for England and soon after arriving there, in January, 1737, was appointed general of the forces in South Carolina and Georgia and colonel of a regiment which he was authorized to raise. After raising that command for active operations in Florida and dispatching it to Charlestown in the spring of 1738, with orders to proceed at once to Fredrica, where he had built a fort, Oglethorpe remained some weeks longer in England to receive full instructions for his campaigns against the Spaniards. On the 1st of July, 1738, being fully prepared, as he believed, to conduct a successful series of operations against England's implacable enemy, he embarked for South Carolina with the remainder of his regiment of gentlemanly soldiers on board of two men-of-war and two transports. On the 9th of September they reached St. Simons Island and disembarked amidst the roar of the artillery on the new fort.

#### OGLETHORPE ATTACKS SPANISH FORCE

During the absence of the commander in England, the Spaniards had gradually become bolder in their forays in the neighborhood of the fort at Fredrica, and soon after he arrived two men had been killed and horribly mangled on Amelia Island. Oglethorpe pursued the enemy toward St. Augustine and, with his Indian allies, destroyed or captured two forts which the Spaniards had erected on St. John's River, cutting off their communication with Western Florida and with their friendly Appalachees.

The commander of the Carolina and Georgia forces, having made this decisive move and received his Majesty's expressed orders to make every possible reprisal on the enemy, he sent officers to the Cherokees and Creeks to raise an auxiliary force of about 1,200 Indians to invade Spanish territory. In September and October, he was busily corresponding with Lieutenant Governor Bull, keeping the chief executive informed as to the steps he was taking for the invasion, and pressing home the necessity of attacking the Spaniards before they should carry the offensive into South Carolina.

#### ASSEMBLY VOTES SUPPORT OF ST. AUGUSTINE EXPEDITION

Oglethorpe's communications were laid before the Assembly and Council, while the province was still in a turmoil over the late negro insurrection and the inroads of smallpox and yellow fever, and there was a general apprehension among those whose opinion carried weight as to whether these physical scourges and negro insurrections had spent their force; they were liable to break out again at any time. In December, the general sent in his estimate to the joint committee appointed to consider war matters as to the amount of money he deemed reasonable as a contribution from the provincial government to assure success to the proposed invasion. Having learned that the St. Augustine defences were being strengthened, he sent most urgent messages to the authorities, advising them of his capture of two Spanish forts and urging an attack on the Spanish stronghold as soon as possible, and accompanying his letters with revised estimates as to the assistance which would be required from the Assembly.

The war committee also made new estimates, based on the current information which had been supplied, and found that more than £200,000 would have to be appropriated to carry out all of Oglethorpe's requests. After other exchanges of views, and another visit of Oglethorpe to Charleston, he finally accepted the government's offer of £120,000. Against the advice of the Assembly, but urged to make an attack upon St. Augustine by the private intelligence that the Spanish fortress was already in great distress from a lack of provisions, the entire expedition was organized and ready for action in May, 1740. It was to be under the command of Col. Alexander Vander Dussen (a part of the force) and subject to the orders of General Oglethorpe. Finally, the joint war committee was carried off its feet by his enthusiasm and confidence, and recommended an immediate attack upon St. Augustine.

#### FORCES SENT AGAINST THE SPANIARDS

The South Carolina forces comprised a regiment of five men-of-war (twenty-gun ships) and several sloops under Captain Pearce; the regiment and select company of provincials were raised to serve for four months. The officers of the regiment were Alexander Vander Dussen, colonel, member of the Commons House for St. James, Grove Creek, and probably a man of some military experience; Francis LeJau, lieutenant colonel, son of the minister at Goose Creek, and Charles Colleton, major, son of Charles Colleton, a member of the Proprietor's family of that name.

Besides these forces, Governor Bull purchased and armed a large schooner, with fourteen carriage guns and twelve swivels designed for operations in shallow waters, and also furnished twelve eighteen-pounders for the armament of the expedition.

Colonel Vander Dussen embarked on May 9, 1740, and set sail for Florida three days later. On the 17th, the governor issued his proclamation appointing the 28th to be observed as a day of fasting and humiliation throughout the province, that the blessing and assistance of Almighty God might be enlisted against the enemies of his Majesty.

#### OGLETHORPE'S INDEPENDENT CAMPAIGN

On his part, General Oglethorpe appears to have inaugurated the campaign without consulting either Colonel Vander Dussen or Captain Pearce, commodore of the supporting fleet. On the 9th of May, with a portion of his own regiment, including an independent Highland company, 125 men of the Carolina Regiment and about a hundred Cherokees and Creeks, he commenced a long march down the peninsula, between the St. John's and the sea from Fort St. George, the general rendezvous. The Indians brought in word of a fort, or stockade about nine miles from Lacanola, which was invested and carried a couple of days later. The owner of the stockade was Don Diego Spinola, a mulatto, and he raised cattle with which to supply the St. Augustine garrison. It was supplied with a few small guns for defense against Indians or marauders and had been dignified with the name of Fort Diego, although it was little more than a cow pen; but it was an important source of supply for St. Augustine; was a half-way resting place between St. John's and St. Augustine and was near the headwaters of St. Mark's River, which was a small stream leading to the Spanish capital. So, although the taking of

Fort Diego was a small military victory, from these considerations its capture was perhaps of some importance.

#### GENERAL MOVEMENT TOWARD ST. AUGUSTINE

The rapid march down the peninsular, with counter marches and speedy movements under a hot sun without apparent objects or definite results, discouraged and disgusted Oglethorpe's little army. Fort Diego was now really headquarters. After more maneuverings, forays, captures of small lots of negroes, quarrels as to their disposition, desertions of Indians and others, on the last day of May a general forward movement toward St. Augustine seems to have been inaugurated. The general had three hundred men and some Indians and Colonel Vander Dussen about four hundred of his regiment, including volunteers and cadets.

#### SOUTH CAROLINA NOT ALLOWED TO ATTACK

At daybreak of June 2d the invading forces were before St. Augustine. Col. William Palmer, a gallant and experienced young soldier, who had accompanied the expedition as a volunteer, proposed to Oglethorpe that he should be placed at the head of a party of Carolinians, to at once attack and burn the town and force a surrender of the garrison, already understood to be short of provisions. As it was in line with the general's previous urgings for a sudden attack and a disconcerting surprise, his absolute refusal to have the attempt made on the score of its foolhardiness was deemed illogical, to give the decision no harsher criticism.

Like Gen. Winfield Scott, at the opening of the War of Secession, who constantly delayed important movements, General Oglethorpe may fairly have been called "the great cunctator."

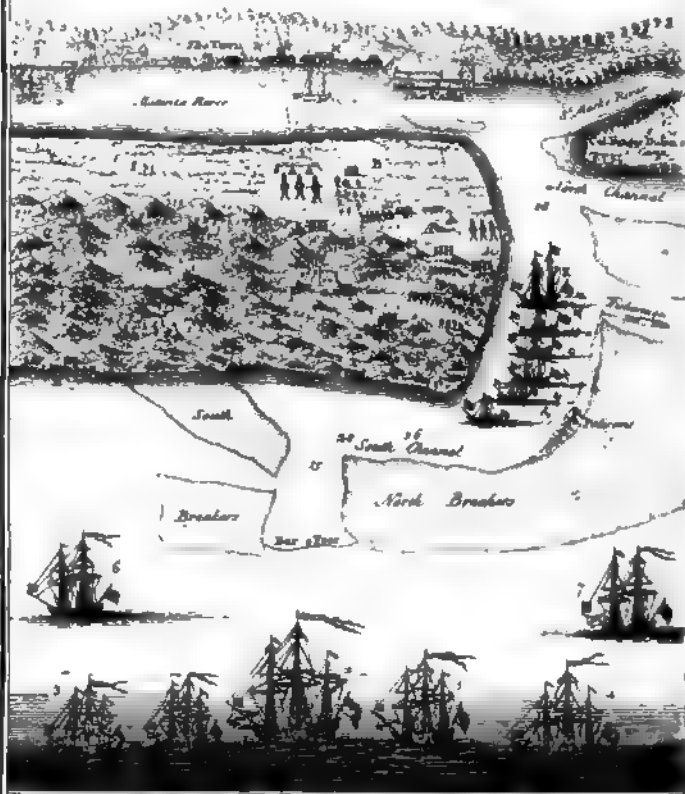
Upon the approach of the little army, Fort Moosa, which stood in the middle of a plantation about two miles from St. Augustine, was abandoned by the Spaniards, and the invaders were shelled by the cannon from the castle of the capital. The general and the colonel found the castle and fortifications, recently strengthened, very strong and decided that they could not be carried from that side; but scouts had penetrated into the town and reported everything in confusion there, and the South Carolinians again begged to be allowed to make the attack there. Oglethorpe refused, partially destroyed Fort Moosa and returned to Fort Diego.

The South Carolina Volunteers, dissatisfied with lack of action and co-operations, were on the point of returning to Charlestown—and did get as far as St. John's—but having met Captain Wright and the rest of the company, they decided to see the expedition through.

#### THE GENERAL AND THE COMMODORE CLASH

In pursuance of information received from Commodore Pearce, General Oglethorpe sent Colonel Vander Dussen to occupy Point Quartell, supposed to command the St. Augustine castle and render feasible a close co-operation between the land forces and the five men-of-war now anchored in the neighboring waters. The occupation having been accomplished, the commodore forwarded to the general through the colonel a communication to the effect that the commanders of his Majesty's ships had held a council and decided that they could not remain longer than July 5th, because of the hurri-

AVIEW of the TOWN and CASTLE of ST AUGUSTINE  
and the ENGLISH CAMP before it June 20 1740. by THO<sup>S</sup> SILVER



A. The English land from A's is a small town  
B. A. March from whence we pursued with 200 soldiers  
C. Indians land which is chiefly small & scattered  
D. Soldiers landing on beach of the castle  
E. North trenches 100 ft. a. border of 20 ft. 10 ft.  
F. Camp Ogilby's soldiers Indians & soldiers  
G. Cook and other men of the  
H. Soldiers and sailors landing from the  
I. Small battery ground in our approach  
K. Camp Warren, command from the soldiers having  
the main flag on board a schooner  
L. The sailors with 200 water the shipping  
ships 1. Hancock & Rector 2. Squirrel  
ships 3. Hawk 4. Sparrow  
ships 5. Wolf 6. Spruce  
Company in the Cape town about 200 men  
200 soldiers and 300 Indians  
Company of the French 1000 men of the  
Castle and 2000 men of the  
River and 2000 men of the  
River and 2000 men of the

VIEW OF TOWN AND CASTLE OF ST. AUGUSTINE (1740)

Yet, strange to say, not a Carolinian was lost but Colonel Palmer himself. The attacking party was variously estimated from 300 to 450 men, and were said to have lost as many as the English. The Spanish commander of the galleys himself was killed."

#### A TANGLE OF CONFLICTING PLANS

From the time that General Oglethorpe landed his men and sailors on Anastatia Island until he raised the siege of St. Augustine and put a period to another unsuccessful campaign against that stronghold, the scene of operations was one continuous turmoil of disagreements and criticisms over any plans of action suggested by those in authority. Through all this confusing tangle one fact stands out, and that is that the leader of the expedition was like Braddock, a man neither of organizing force, nor pronounced military ability in America, whatever may have been his reputation in Europe under Prince Eugene. Doubtless the realization that all previous attempts against St. Augustine had resulted in failure made him over-cautious, and to overlook the other obvious truth that every pronounced success against enemy Spaniards or hostile Indians had been the result of bold and sudden action, in which the hazard was great.

The officers with Oglethorpe on Anastatia Island complained of the imperfect arrangements the general had made to carry out that part of the campaign which centered there, and Colonel Vander Dussen and his officers and men protested against so much of their force being drawn away from Point Quartell. But the proposed concentration at the island was carried out. The general had no better fortune in getting the good will of his Indian allies, and offended them beyond placation by not only refusing to receive the head of a Spanish Indian which they brought to him, but ordering them from him as "barbarous dogs." Had he been politic, he would not have made the double blunder.

Even the proposed attack on the Spanish galleys went by the board, at the final order of Commodore Pearce, who had first forbade it because it had been suggested by one of his under-officers, then had reconsidered and partially advanced the plan, and, as stated, finally rejected it as impracticable, with no other reasons assigned for his extraordinary decision.

#### THE SIEGE RAISED

The culminating misfortune and blow which shattered the expedition was the decision of the commodore and his captains to return to Charlestown harbor. Though assured by old residents of South Carolina that the 2d of August was the earliest date at which a hurricane had ever visited the waters of that region, Pearce insisted on expecting some violent storm in July and made all his preparations accordingly. On the 5th of that month, all the seamen were taken off Anastatia Island, leaving the artillery lying there useless. The final step was taken by General Oglethorpe, who, on the 4th of July, ordered Colonel Vander Dussen against his protest, "to raise the blockade from the Island of Anastatia and come off with the train and troops with the least loss you can prevent. But to spoil rather than leave the artillery." The Carolina regiment was the last to withdraw and its men did not depart until the artillery had been removed.

General Oglethorpe's regiment reached Fort George, whence it had set out on the expedition, on July 21st, and marched to Fredrica

on the following day. On the evening of the 24th the Carolina regiment left the Spanish side of the St. John's for Charlestown, having lost from its number twelve by disease and two by desertion. None of them were killed, but all the evidence goes to show that the Carolina men were foremost both in action and in the suggestions of the bold offensive which was understood at first to be the keynote of the campaign.

#### EXPEDITION INVESTIGATED BY ASSEMBLY

Mortification over another rank failure to break up the Spanish nest of hornets at St. Augustine was keen and general, and the friends of General Oglethorpe, including his biographers and several historians of Georgia have, to shield their leader, endeavored to place its onus on the Carolinians. Soon after the return of the expedition, therefore, the Assembly appointed a committee to investigate the entire subject. It consisted of such prominent men as Attorney General (Colonel) Miles Brewton, William Pinckney, Messrs. Dart, Mazyck, Drayton, Motte and Elliott, and Captains Hyrne, Morris and Austin, and Hons. John Fenwicke, John Colleton and Edmund Atkin. After a year's research, comprising the examination of all the witnesses possessing pertinent testimony and the consideration of the official correspondence between General Oglethorpe, Colonel Vander Dussen and the naval officers, the committee made its report in July, 1741. It contained both the documentary evidence and the conclusions, so that the reader may himself judge whether the latter are biased or forced. Since the publication of the report of the committee, only a few years ago, the discussion as to whether the failure of the expedition could justly be laid to either sins of omission or commission committed by the Carolina troops has virtually subsided, as the testimony would clear them of any such, charged in any court of real justice. Rather the burden of proof as to where the blame rests is cast upon the leader of the expedition and the commodore of the fleet. If, as in the old ditty, the usefulness of the king's troops was measured by their action in marching up the hill and then marching down, his Majesty's ships in their connection with the Oglethorpe expedition should be honored only as having sailed into the St. Augustine harbor and then sailed out.

The points brought out in the committee's report, which represented the sentiment of the State Assembly and the people generally, as opposed to the unwarranted charges made against the South Carolina troops by those who endeavored to bolster the military reputation of Oglethorpe, are condensed under seven heads. These condensations, with all the detailed testimony, went to prove that General Oglethorpe, before the arrival of the Commodore and Colonel Vander Dussen, who were to co-operate with him, killed two Spaniards and captured several little forts, thereby giving the enemy warning of the impending attack, and after three weeks of inaction (reconnoitering, he called it) refused to attack St. Augustine, although his forces had arrived within two miles of it. He neglected to call a council of war; did not blockade the enemy on the land side and, in fact, showed indecision and inability in the entire campaign. The conduct of the commodore also was severely criticized, viz.: "in giving notice that the ships must withdraw on a certain day; and his lukewarmness and refusal to give efficient aid in attacking the galleys, or to leave two hundred men to man the battery until the return of the ships."

In short, the entire management of the expedition was an aggravation to the fighting spirit of South Carolina and her men.



Neither in the St. Augustine expedition, nor in any of his subsequent military commands in the immediate service of the mother country overseas, did Oglethorpe earn any distinction. History cannot but record the conclusion that the general was much overshadowed by the philanthropist; that he was a very good man, but rather a bad soldier.

Colonel Vander Dussen emerged from the humiliating affair with credit, although perhaps not with the glory accorded to him by his fellow townsman, Col. John Fenwicke, who welcomed him in behalf of the Commons, when the Carolina regiment reached Charles Town on August 13, 1740. The principal claim to that glory was that the colonel and his boys had brought away the artillery from Anastatia Island rather than spoiling it for their enemy; which was really a pretty little achievement, although perhaps not fairly earning the following eulogy from colonel to colonel: "You have acquired more glory by the retreat you have made from the situation in which you were placed than you could have gained even by a conquest."

#### DOCTRINAL CONTROVERSIES

It was during the years 1740-41 that the Rev. George Whitefield waged a fierce controversy with both Commissary Alexander Garden and John Wesley. Although he had returned to England from Georgia in 1738 for the express purpose of being ordained a priest of the Established Church, he had gradually drifted from its forms and when he came to America for the second time, in 1740, he had occasion to address large crowds in the open air, many in his congregations having no books of common prayer and being unfamiliar with the forms and customs of the Church of England. His first landing during this tour and visit was at Philadelphia, which he left in November, 1739, in company with an intimate friend, William Seward, and others who had accompanied him to America. The party traveled on horseback through Maryland, Virginia and the Carolinas, to Charles Town, the eloquent missionary preaching and exhorting at various places along the route. Charles Town was reached at 10 o'clock in the morning of January 5, 1740.

Fortunately for the interest of this history, Mr. Whitefield kept a journal of his travels and doings of this period of religious, or doctrinal turmoil, and drew the following picture of the first services which he conducted in Charles Town. He says: "Sunday, January 6—We went to public service in the morning, but did not preach, because the curate had not a commission to lend the pulpit, unless the commissary (the Rev. Alexander Garden), then out of town, were present. Most of the town, however, being eager to hear me, I preached in the afternoon in one of the dissenting meeting houses, but was grieved to find so little concern in the congregation. The auditory was large, but very polite. I question whether the Court-end of London could exceed them in affected finery, gayety of dress and a deportment ill becoming persons who have had such divine judgments lately sent amongst them. I reminded them of this in my sermon, but I seemed to them as one that mocked.

"Monday, January 7—Finding the inhabitants desirous to hear me a second time, I preached in the morning in the French church. The audience was so great that many stood without the door. I felt much more freedom than I did yesterday. Many were melted into tears. One of the men of the town, most remarkably gay, was observed to weep. Instead of the people going out, as they did yesterday, in a

light, unthinking manner, a visible concern was in most of their faces. After sermon, I and my friends dined at a merchant's, and as I was passing along a letter was put into my hands wherein were these words: 'Remember me in your prayers, for Christ's sake, who died for me, a sinner.'

"Many of the inhabitants, with full hearts, entreated me to give them one more sermon, and though I was just about to take the boat, I thought it my duty to comply with their request. Notice was immediately given, and in about half an hour a large congregation assembled in the Dissenting meeting-house. In the evening I supped at another merchant's house and had an opportunity for nearly two hours to converse of the things of God with a large company."

The Whitefield party left their horses in Charles Town and set out for Georgia in an open canoe, having engaged some negroes to navigate it. They were all night on the water, arrived at Beaufort at 5 o'clock the next afternoon, waited there some time for propitious weather, and reached Savannah safely the following day.

Mr. Whitefield returned to Charlestown in March, 1740, and records in his diary that he "met with a cool reception" from Commissary Garden. But the apostle of justification and the new birth continued to preach in the Independent (Circular) and First Presbyterian churches, sometimes divested of his surplice and without the Book of Common Prayer, or exhibiting any evidences of his Episcopacy. He preached bitterly against balls and assemblies, went out of his way to criticise the bishop of London, and also drew the fire of John Wesley on doctrinal grounds. Although he interested the people in his Savannah orphanage, made a large collection for it and raised up a large popular following, he found himself uncomfortably heated between the two fires kindled in the breasts of Commissary Garden and the earnest leader of Methodism.

Mr. Garden, in a public letter and sermon, asked Whitefield to explain his attitude toward the bishop, his continued violation of Episcopal observances and his doctrinal assertions, which both he and Wesley opposed. Finally, in July, 1740, the offending preacher and exhorter was cited by the commissary to appear before an ecclesiastical court to be held in St. Philip's Church. He was to answer, especially, for his violations of the canons and rubrics of the Established Church, of which he was an ordained priest. McCrady states that "he appeared with Mr. Andrew Rutledge as his counsel and protested against the authority of the court. The plea was overruled and Whitefield appealed to the lords commissioners in England appointed by the king for hearing appeals in spiritual causes from his Majesty's plantations in America. The appeal was allowed, but Mr. Whitefield failed to prosecute it, and, after the time limited, he having procured no prohibition from England against the court's proceeding in Carolina, it went on with the case, and Whitefield failing to answer, after successive adjournments to allow him the opportunity, judgment of suspension was pronounced against him."

#### THE GREAT CHARLESTOWN FIRE

The remainder of Colonel Bull's administration, or the period covered by it, was not surcharged with any special political or governmental excitement, but rather was marked by unrelated physical and religious commotions and movements. In the former class was the disastrous fire of November 18, 1740, which swept away so large a portion of the valuable stores of Charlestown. The three hundred

houses burned were mostly old wooden frame buildings, but the valuable contents of the stores and warehouses destroyed made the loss amount to something like £200,000 sterling, and the district from Broad and Church to where the present East Battery begins, was swept completely away. Not only were the substantial men of the town sadly crippled in their resources, but hundreds of poor people were made destitute and it was long before a normal condition of comfort was re-established, and several months before appeals for the relief of actual suffering ceased to appear in the public prints.

Relief came from old England in the shape of a grant by Parliament of £20,000 sterling for rebuilding the town. This fund was apportioned and distributed by a joint committee of the assembly. Meanwhile the vestrymen of St. Philip's Church had received and distributed contributions to many of the deserving poor, as the ancient manuscript vestry minute book attests. To prevent future calamities of the kind, a law was enacted which required all buildings to be erected in the future to be constructed of brick, stone, or both combined; fixed the prices of building materials and otherwise regulated the building of the new Charlestown.

#### THE NEGRO SCHOOL AT CHARLESTOWN

Both Whitefield and Wesley had been deeply interested in the education and conversion of the negro and Indian slaves, and, as has been noted, the Church of England as an institution had worked along the same lines. In 1743, the Society for the Propagation of the Gospel took the project up in earnest, the plan being to purchase bright country-born young negroes and train them to educate other black and Indian children in both the principles of Christianity (Episcopacy) and the elements of secular learning. By October of that year, Commissary Garden was able to report to the society that the negro school in Charlestown comprised thirty children, who were taught by two colored boys. The information was further conveyed that he (Garden) intended to employ both the negro youths in teaching the school until their services should be wanted for similar institutions in the country parishes. He was of the opinion that thirty or forty would annually be discharged, capable of reading the Scriptures and sufficiently instructed in the chief principles of the Christian religion. The school was continued for twenty-two years, and although all the ambitions of its projectors were not realized, it undoubtedly accomplished considerable good among the negroes of South Carolina, especially in the Charlestown district.

#### CHANGE OF ADMINISTRATION

About two months after Commissary Garden had announced the founding of this famous negro school in Charlestown, James Glen, the governor of the province, arrived from overseas. Appointed in December, 1738, he had busied himself with various official duties in Scotland, of which he was a native, and, as has been seen, the affairs of South Carolina had been administered by Lieutenant Governor William Bull. The new chief executive was a university man more than forty years of age, evidently considerable of a politician, lacking in administrative experience, and having few qualities to inspire the confidence of the best men of the province in his ability to serve the interests of Carolina.

## CHAPTER XVI

### JAMES GLEN'S ADMINISTRATION (1743-1756)

Governor Glen arrived at Charlestown on the 19th of December, 1743, his official title being "Governor and Commander-in-Chief of the Province and Vice-Admiral." Fort Johnson saluted him with five guns as he passed into the harbor in the man-of-war *Tartar*, and when he landed he found the Charlestown regiment drawn up under arms upon the bay, extending in two lines from Gibbs wharf and the council chamber. Edmund Atkin and Charles Pinckney, members of his Majesty's council, conducted him to the council chamber. Afterward both houses of the Legislature escorted him to Granville's Bastion (East Battery), where his commission as governor was duly published. He took the usual oaths of office and on the same day issued his proclamation assuming the administration of the government.

Besides the gentlemen named, William Bull, Alexander Skene, James Kinloch, Robert Wright, John Fenwicke, Joseph Wragg, Thomas Waring, John Hammerton, John Colleton, John Braithwaite and James Crockatt, were named in Glen's instructions as members of the Council. In addition, the surveyor general of the customs for the southern district of America was to sit in that body as a member extraordinary. Of the members mentioned, Judge Wright had died of yellow fever in 1739 and Mr. Crockatt had moved to London.

When the General Assembly convened on the 10th of January, 1744, Governor Glen promised that body that the power of the Crown should never overshadow the people's rights, and he hoped that the Assembly would duly provide for the government expenses, including "competent provision for your governor." The new chief executive might have found it more difficult to convince himself that the citizens of South Carolina would not overshadow the Crown than that the king would not menace the rights of the people. In writing to the Duke of Newcastle, during the month following his arrival, Governor Glen notes that he has "found the whole frame of government unhinged;" and that especially the chief executive had been divested of the power formerly placed in him. He then mentions the action of the Assembly in excluding the governor from all its debates, and of the Council, in allowing him to be present in case he remained silent. There only remained to him the power of veto.

Really the only satisfaction which the governor could derive from the situation at the opening of this first session of the General Assembly was that he was voted £500 as a salary and £100 allowed for house rent, in advance.

#### CUSTOMARY WRANGLE OVER TAXES

During the thirteen years covered by the Glen administration many measures on a variety of subjects came up for consideration, but few for definite settlement. The old quarrel waxed and waned over

tax bills and other financial measures, with the corollary discussions as to the constitutional and legal relation of the Assembly to the council and vice versa. On the other hand, something really definite was accomplished toward the permanent settlement of the Indian question and, through understandings with the Cherokees and Creeks, making the up-country temporarily safer for white settlers.

The bandying about of the annual tax bill of 1745 is a fair illustration of this continual working at cross-purposes in matters of financial legislation. In February of that year the Council sent back the bill to the Assembly stating its objections to the clause which obliged returns to be made on all money out at interest and of cash in hand exceeding £2,000 in currency. The Assembly disregarded the message and again passed the bill in its original form. The Council tried to amend it again, with no more courteous treatment, and the original measure passed the Assembly. In May, the upper house took up the bill for the third time, requested the lower body to consider its amendment and, being refused, rejected it. The Assembly was soon after dissolved and a new one elected.

The old fight came before the session of 1746, and, through the deciding vote of William Bull, Jr., a motion to insert the clause in the tax bill to which the Council had objected was defeated. The upper house suggested other amendments which were disregarded by the Assembly and the bill finally became law in June, after more than six months of wrangling.

In April, 1747, when the Council informed the lower house that its committee on Indian affairs had been directed to meet the corresponding body of the lower house to consider various matters of expense in connection therewith, the Assembly resolved "not to confer with the committee of the Upper House of Assembly on any estimate of expense whatever."

In 1748 seven of the fourteen amendments to the annual tax bill sent down to the Assembly by the Council were accepted. At the same time, resolutions were passed to the effect that such compliance should not be considered a precedent, and that "no agreement should at any time be made with the Council to countenance or warrant their sending any Schedule of Amendments at any time to the Tax Bill or Estimate or any Subsidy Bill."

Says Dr. W. Roy Smith in "South Carolina as a Royal Province": "Although the Council could neither initiate nor amend a money bill, the Assembly apparently never denied them the right to reject a measure as a whole. It was a right which they frequently exercised. As they were quick to see and zealous to oppose any infringement upon the royal prerogative, it was rarely necessary for the governor to interpose his veto power. The only instance which I can find of the veto of a tax bill occurred in 1753. Governor Glen rejected the bill for the fiscal year 1752-53, because it required the collectors of the tax to receive English and Spanish coins in payment at certain rates. He showed that this was inconsistent with the proclamation statute of the 6th of Anne. A midsummer session of the General Assembly was called, and a new bill, without the objectionable clause, was passed and ratified on August 25th."

An illustration of how effectively could be used the Assembly's control over money bills is furnished in the dispute between the governor and Council and the Assembly over the retention of James Crockatt, as colonial agent, which continued from July, 1853, to March, 1856. At the former date, he asked to resign, and suggested as his successor, Charles Pinckney, who had recently arrived in Lon-

don. Governor Glen urged the reappointment of Peregrine Fury, and while the disagreement was at its height a letter was received from Crockatt in London agreeing to continue as agent. The ordinance under which he had been appointed had long since expired, and the Council controlled that species of legislation; but the Assembly voted the money bills, paid Crockatt's salary under the heading of "writing and printing for the public service," and thus kept its own colonial agent in office until 1757, despite the opposition of the governor and his Council. This quarrel over Crockatt culminated in another radical declaration by the Assembly in the form of a resolution to the effect that "no account, petition or other paper that shall be laid before this House for the future of, for, or concerning any claim or demand whatever for any matter or thing done or to be done for the service of the Public shall be sent to the Council for their Inspection."

In the meantime, the number of settlers had largely increased in the Welch Neck and the upper Pee Dee generally. The immigration was especially active between 1740 and 1743, and three years later nearly all the lands in the Neck had been granted.

#### GOVERNOR GLEN OBJECTS TO BALLOT VOTING

It is commonly supposed that voting by ballot at elections is comparatively modern, and it has been forgotten that it was in use, even in England, in certain parliamentary borough elections before the Reform Act of 1832. In South Carolina it was the rule before 1720. In 1748 Governor Glen wrote to the Secretary of State objecting to vote by ballot, saying that the method of voting which prevailed in Great Britain ought to be adopted, adding in support of his view, as McCrady puts it; "that any person who attends the balloting box may, with very little sleight of hand, give the election to whom he pleases." Complaints about "stuffing ballot boxes," especially in South Carolina, have been made since then; this, however, is not a condemnation of voting by ballot, but of the manner in which it is conducted.

#### PROTEST OF UP-COUNTRY AGAINST LAWLESSNESS

South Carolina had the same trouble with horse thieves and other unruly characters as did the settlers of the far West, when the theft of a steed or household provisions meant suffering, if not starvation. In meeting these deterrents to the wholesome settlement of the up-country, the Regulators along the Pee Dee were especially vigorous. They earnestly protested to the provincial authorities against not only the iniquities of thievery, but crimes of even more heinous character.

On March 16, 1752, the Council records show the following entry, which is directly in point, as it represents the first official expression of protest made by the much-suffering settlers of the up-country: "Read the petition of the inhabitants on the Pedee River about the mouth of Lynche's Creek, humbly setting forth—That the humble petitioners reside in the remotest parts of the province, having two hundred miles to travel to the seat of government; and that trade and commerce among us are greatly obstructed for want of a County Court appointed to hear and determine all such cases. We find the frontier here to be a place of refuge for many evil disposed people and those of the meanest principles, crowding in amongst us—such as horse stealers and other felons, having made their escape from North Carolina and other parts; others cohabiting with their neighbors' wives

and living in a most lascivious manner, while we have no means to suppress them.

"We therefore humbly pray that an act be passed dividing Craven County, and that part from the mouth of Lynche's Creek upward to the extent of this province on both sides of Great Pedee River, bounding southwardly by Lynche's Creek and northwardly by the province line, which we pray may be further extended; and likewise by a north line from opposite to the mouth of Lynche's Creek to the province line—be one distinct county, in which we may have twelve or more justices appointed and authorized, without fee or reward, to hear and determine all causes, as well civil as criminal, without having their jurisdiction limited; any person supposing himself aggrieved to be redressed by appealing to the Superior Court in Charlestown.

"We likewise humbly pray that in consequence of the great expense which our county will be at in building a court house, prison, pillory and stocks, we may be exempt from paying such public taxes for some few years as in your wisdom you shall think fit.

"And your petitioners as in duty bound, etc.,

"John Crawford

"Owen David

"Wm. Summer

"and about 60 more subscribers."

Craven County was not divided, but the petitioners obtained the needed relief of a partial establishment of local courts of justice. The Assembly finally prepared a bill for the establishment of courts of justice at Georgetown, Craven County, and at Beaufort, Granville County, and a message was sent to the governor requesting him to appoint justices of the peace in the distant parts of the province. No court was established at Georgetown, and although Governor Glen appointed several additional justices of the peace, their powers were too limited to fairly meet the situation in which the up-country settlers found themselves. The relief was so imperfect that the residents of that portion of the province were obliged to rely as before upon their own powers of self-protection, although it was becoming more obvious that the established government and judiciary, which were centered at Charlestown, aimed to control the most vital interests of the settlers everywhere in the province.

#### THE GREAT HURRICANE OF 1752

During Governor Glen's administration, two notable instances arose in which the public safety and security were threatened. The first reverts, primarily, to the hurricane of 1752, which occurred, like the three previous ones of that century, in the month of September. For several months before the tempest burst, the temperature had been remarkably torrid, for nearly twenty successive days varying between 90 and 101 degrees. As was also usual before the coming of a tornado, the wind had been blowing pretty steadily from the northeast during the earlier portion of September, 1752. On the 14th of the month it gradually increased in violence until the following morning.

Then, according to the accounts published by Hewatt and Ramsay in their histories of South Carolina, the sky became wild and cloudy and the drizzling rain began to fall. About 9 o'clock the flood came rolling in, with great impetuosity, and in a little time rose ten feet above high-water mark at the highest tide. The town was soon overflown, and the streets covered with boats and wrecks of houses and

ships. Before eleven, all the ships in the harbor were driven ashore, and sloops and schooners were dashing against the houses of Bay Street, in which great quantities of goods were damaged and destroyed. Except the *Hornet* man-of-war, which by cutting away her masts rode out the storm, no vessel escaped damage or wreck. The terror and consternation which seized the inhabitants may be more easily conceived than expressed. Finding themselves in the midst of a tempestuous sea, and expecting the tide to flow till one o'clock, its usual hour, at eleven they were driven to the upper stories of their houses and there remained, despairing of life. At this critical time, however, Providence (says Hewatt) mercifully interposed and surprised them with a sudden and unexpected deliverance. Soon after eleven, the wind shifted, in consequence of which the waters fell five feet in the space of ten minutes. Had the waters continued to rise and the tide to flow until the usual hour, every inhabitant of Charleston must have perished. Almost all the tiled and slated roofs were uncovered, several persons were hurt and some were drowned. The fortifications and wharves were almost entirely demolished. The provisions in the fields on the coast were destroyed, and numbers of cattle and swine perished in the waters. The pesthouse on Sullivan's Island, built of wood, with fourteen persons in it, was carried several miles up Cooper River, and nine of the fourteen were drowned.

With the virtual destruction of the fortifications and the shaking of the very foundations of Granville's Bastion, it became necessary to devise and prosecute a plan for the protection of the city against furious inroads of the sea, and to fortify it against human invaders. To devise the sea walls and line of fortifications commensurate with the ambitions of the future, the governor engaged the services of William Gerard de Brahm, an expert surveyor and alleged man of science—a strange character who had dabbled in astrology—sometime co-worker with Oglethorpe in various Georgia enterprises, and formerly a captain in the service of Charles VI, emperor of the Holy Roman Empire.

"The work was undertaken and under his supervision had so far progressed in May, 1756, that the sea was dammed out from Cranville's Bastion to Broughton's Battery," says McGrady—"that is, the whole length of the present East Battery, and was indeed the foundation of the magnificent sea wall and promenade which constitutes to-day one of Charleston's greatest attractions. Three bastions were erected on the point of what is now the junction of East and South Batteries, capable of mounting 150 pieces of cannon; the work had then already been raised above high-water mark; from Broughton's Battery to Conseillere's Creek it was continued and three more bastions erected. The whole town was to be fortified in the same way if the important design was encouraged."

To carry on this work, as well as to build a fort in the Cherokee country, to which necessity Governor Glen had called the attention of the government and the citizens, the Assembly sent to the Council a bill to authorize the issue of £41,000. It was rejected by the upper house because the measure provided no means of retiring the bills to be issued to cover the expenses of these items. The Assembly twice returned the bill to the Council and twice it was rejected on the same ground. The lower house then appealed to Governor Glen to either dissolve the Assembly if its members had ever been remiss in granting aid to his Majesty's service, or to suspend any members of the Council who might be at fault. But although the governor still resented his exclusion from the deliberations of the Council, when sitting as an upper



house, he did not wish to break with that body; neither did he propose to quarrel with the Assembly. He therefore said that he found no cause in the dispute then pending either to dissolve the Commons House or to suspend the members of the Council. So the matter hung fire for some time thereafter, although after a vexatious and seemingly unnecessary delay the means were finally provided for the prosecution of both works.

#### CHEROKEES AND UP-COUNTRY PIONEERS

The Indian question had been looming larger and larger during Governor Glen's administration and the erection of Fort Prince George in the Cherokee country was not all that was necessary to settle it. That tribe had long dominated the entire up-country of South Carolina, and its friendship was considered a protection, even bulwark of defence, against the designs or incursions of Frenchmen pressing from the west and southwest. The Cherokee trade was also valuable. Virginia coveted it for what was in it as a financial income; South Carolina needed the support of the Cherokees in every way for its self-preservation. Governor Glen wrote Governor Dinwiddie to that effect, when he learned that the latter was endeavoring to draw the Cherokees, Catawbas, Muscogeas and Chickasaws into a commercial alliance with Virginia at the expense of Carolina. In 1753, not long before hostilities between England and France had broken out in America, the Creeks and the Cherokees were engaged in fierce warfare.

Through the efforts of Governor Glen a peace was concluded between these warring tribes, the chief spokesman for the Cherokees having been Attakullakulla, or Little Carpenter, who had already been a visitor to England, and a witness to the might of the British Empire. Previous to that period, probably in the fall of 1753, Governor Glen had visited the country of the lower Cherokees and purchased a tract of land as a site for Fort Prince George at Keowee. Hostilities between Great Britain and France had become a foregone conclusion and it was a precaution of vital necessity to the security of South Carolina to maintain friendly relations with the Cherokees.

#### PEACE TREATY WITH THE CHEROKEES

At the time and for the reason mentioned, the governor met about 500 of the chief Cherokee warriors in their own country for the purpose both of cementing or confirming the professed friendship between that nation and Carolina, and secure from the Indians a grant of land in the up-country which would be accessible to white settlers. On the occasion to which reference has been made, he made a speech to the Cherokee warriors in the name of his Great King, representing his power and goodness to them and reminding them of the happiness they had enjoyed.

The spokesman of the warriors, Attakullakulla, approached Governor Glen and took a seat by him under a tree. Holding in one hand a bow and a shaft of arrows in the other, he said: "What I now speak the Great King should hear. We are brothers to the people of South Carolina; one house covers us all." Taking his boy by the hand, he presented him to the governor and added: "We, our wives and children, are the children of the Great King George. I have brought this child that he may, when he grows up, remember our agreement on this day and tell it to the next generation that it may be known forever." Then opening a bag of earth and laying it at the

governor's feet, he said: "We freely surrender a part of our lands to the Great King. The French want our possessions, but we will defend them while our nation shall remain alive." Showing his bow and arrow, he further said: "These are all the arms we can make for our defense. We hope the king will pity his children and send us guns and ammunition. We fear not the French. Give us guns and we will go to war against the enemies of the Great King." Delivering to the governor a string of wampum to confirm what he had said, he added: "My speech is at an end. It is the voice of the Cherokee Nation. I hope the Governor will send it to the King that it may be kept forever."

#### THE INDIANS' LAND GRANT

According to this treaty of friendship and land-cessions which Governor Glen had made with the Cherokee Nation, the site for the frontier fort was not only assured, but the Indians made South Carolina an indefinite grant in the following words: "Not only the spot on which a fort is at present building near Keowee, and all the lands betwixt that and a place called Long Canes (in the eastern part of the present Abbeville County), of the width of said fort; and also all the lands, as well cornfields as pasture grounds, hills, woods and waters, and all the right and title the Cherokee Nation can lay claim to in the said lands forever."

In speaking of the extent of territory ceded by the Cherokees in this treaty, Hewatt, Landrum and other writers, include the present counties of Edgefield, Abbeville, Laurens, Newberry, Union, Spartanburg, York, Chester, Fairfield and Richland, or a large portion of upper South Carolina. Doctor Landrum, in his "Colonial and Revolutionary History of Upper South Carolina," adds: "The territory of Pendleton (which embraces the present counties of Anderson, Pickens and Oconee), and what is now Greenville County, was reserved by the Indians in this treaty, together with other territory in the states of Georgia and North Carolina. The present line between the counties of Greenville and Spartanburg was the boundary line between the province of South Carolina and the Cherokee Nation." Again: "By this treaty, the Cherokees relinquished what is one of the most attractive portions of South Carolina, a portion which now represents a part of the great Piedmont belt."

Although John H. Logan, in his "History of Upper South Carolina," calls attention to this mistaken idea and the very material phrase in the text of the grant, "the width of said fort," it has persisted to be accepted as the fact by most modern writers. The prominent exception is McCrady, who puts the matter thus: "Not a foot of land south of the North Branch of Long Cane, to-wit, Little River, was ceded to the king of Great Britain. What was really intended to be covered, beside the immediate site of the fort, and the surrounding woods, pastures and waters necessary to the garrison, was a strip of land the width of the fort, which extended thence as far southward as a place called the Long Canes—a sort of road or way of access to the future garrison. There can be no doubt, however, that from this time the English began to settle the country included in the limits of the counties mentioned, and that their settlement began rapidly to extend toward the mountains."

Whatever the actual cessions made by the Glen treaty, it had the effect of drawing settlers into the up-country and giving them the confidence that it had been virtually thrown open to them by the Chero-

kees. In noting the pioneer settlers and settlements of that region, Doctor Landrum says: "The march of civilization westward from Charlestown was slow and cautious, so much so that in 1736 it had only advanced from the sea coast about ninety miles. Later, between 1750 and 1760, other germs of settlements were planted two hundred miles from Charlestown by emigrants from Virginia, Pennsylvania and other colonies, which had advanced from north to south and in front of the eastern settlers. This left in the undisturbed possession of the aborigines, a considerable tract of country between what was understood to be the eastern and western settlements. This fact gave rise to the early distinction of Upper and Lower Carolina.

"Among those who were classed as the early settlers of the upper or northwestern portion of South Carolina, was Colonel Elijah Clark, who afterward became noted as a Revolutionary soldier and an officer of distinction. Ramsay records the fact that he settled on the Pacolet. Being the first settler, he might be truly styled the Daniel Boone of the present progressive county of Spartanburg. In the course of six years he was joined by eight or ten families from Pennsylvania, doubtless Scotch-Irish, who settled on the three forks of Tyger River. These constituted the whole white population in the territory of the present county of Spartanburg prior to 1755. Settlements in other localities took place about the same time. The settlements on the Long Cane in Abbeville County were made by Patrick Calhoun and other families."

#### THE CONFERENCE WITH THE CREEKS

Fortunately, the conference at Charlestown by which the Creeks and the Cherokees reached a temporary understanding was fully reported in the *Gentleman's Magazine* of September, 1753. On the 26th of the previous May, and in pursuance with the orders of Governor Glen, more than 100 Creek Indians arrived at the capital, escorted by three troops of horses. The delegation of red men sent to the "talk" about twenty of the chieftains, or warriors, of the Upper and Lower Creeks, headed by their "emperor," Malatchi.

The peace session finally was opened on the 11th of July with a speech by the governor, who welcomed the Creeks as "friends and brethren" and explained why they had not been received in audience upon their arrival. He wished to allow them an opportunity to rest after the fatigue of their long journey; also the day succeeding their arrival was with the English "a great beloved day, a day which we dedicate to the cares of another life" (Sunday). The governor went on to say that he missed a few of the great men of the Creek Nation, but that "when Malatchi is here there needs no other." He continued: "I sent for you to ratify and confirm the peace betwixt you and the Cherokees; but there are other matters of equal, if not greater concern, for, at solemn meetings, the treaties betwixt the English and their friendly Indians should be first renewed."

The English, he said, always entered into treaties of friendship and commerce with great caution, and observed them inviolate, and he cautioned the Creeks to be as careful in the future; otherwise, it might be necessary to "cut off the rotten member" from their friendship and protection. "Some of your people," he continued, "seem not to have had that regard which is due to the friendship of the English; from small faults they proceeded to greater, and at last went very dangerous lengths. They came armed into this country, and waylaid the Cherokees and killed some of them in the midst of white men in our

settlements; and, as if this had not been sufficient provocation, they came afterward to Charlestown in great numbers, where some Cherokees were at the same time, and, though your people were cautioned by me not to hurt them, as they were under our protection, and though they positively promised they would not touch them, yet, forgetful of the caution I had given them, and in breach of their positive promise and engagement, they fell upon them the next day and murdered several of them near this town. I was also afterward informed that some of your people had attacked our traders in the Cherokees and robbed them of their horses, and had broken open their stores and robbed them of their goods. I therefore sent up an agent to put you in mind of your true interest, and to demand satisfaction, particularly for the murder of the Cherokees; and I desire to have from your own mouths a public declaration of what has been done in that matter.

"As for the blood of the white man spilt at the Abicoochas, one of the towns in your nation, it was prudent in you to insist that we should have satisfaction for it, and we accept of the satisfaction given; but for the future, nothing will be deemed a satisfaction for the lives of our people, but the lives of them who were guilty of the murder.

"After the treaty with the English is renewed, it will, I think, be proper for you to confirm the peace proposed by me betwixt you and the Cherokees; and I wish it were possible to fall upon some method to prevent the too easy breach of it and to render it durable.

"You have formerly complained to me that the Cherokees had permitted your enemy, the Northern Indians, to come through their country to war against you, and supplied them with provisions and ammunition; and that this was one of the greatest grounds of their quarrel with them. The Cherokees acknowledge the charge to be just, but allege that they are unable to prevent it; for it often happens that when they are out a-hunting, the Northern Indians come into their towns well armed and in such numbers that they cannot resist.

"But as both the Creeks and the Cherokees are our friends, I must acquaint you that many of the Northern Indians, in like manner, are our friends, and I could wish that all Indians who are in friendship with the English were also friends with one another. I am therefore desirous to have a peace between you and the Senecas and such Northern Indians as are our friends, as I lately made a peace between them and the Catawbas; and if you are desirous of such a peace, let me know it, that I may desire my Brother, the governor of New York, to interpose his good office."

King Malatchi replied, in behalf of the Creek Nation. He referred to the custom of presenting skins to the English as tokens of friendship, and as never such a quantity had been given them before, the interpretation was that the friendship was even greater than ever. As to the satisfaction demanded by the English, he acknowledged its justice, but when the governor's agent had arrived to demand it he did not think it would be advisable to take the entire responsibility upon his own shoulders. "I thought it would be more prudent," said the "emperor" of the Creeks, "to consult with our beloved men; it being a custom with us to consult with our beloved men upon all affairs of importance, as I see you advise with your beloved men here present" (pointing to the Council). When the beloved men of the Creek Nation were met, Malatchi acquainted them with the matters at issue and the charges made by the governor were sustained.

"We found," said the spokesman of the Creeks, "that blood had been spilt at your very gates. We therefore, all of us, thought it right and necessary that satisfaction should be given. As there is no evil

without an original cause, we turned our thoughts and enquiry to find out who was the author or person chiefly concerned; for a man will sometimes employ others to commit what he does not care to put his own hand to, or be seen in himself; and we found out that the Acorn Whistler, a great headman and warrior, was the contriver, promoter and instigator, and the sole cause of this mischief. We therefore thought that he was the proper person that ought to suffer, and some of his near relatives said that he deserved death and voted for it; and there are some of them here present ready to declare it. He accordingly was put to death for this offense and though he might, in former times, have been a friend to the English, yet of late he has formed and hatched very dangerous schemes, and gave out very bad talks against the English that might have been attended with very pernicious effects had they not been prevented.

"As I have said that he was a very great man and had many friends and relations in different parts of our country, we thought it most prudent for some days to conceal from the public the true reasons of his death, it being then not generally known but to the headmen who concerted it. This we did for fear that some of the deceased relations should, in their first heat and before they were fully apprized of the matter and the true reasons, revenge his death upon your traders. But we looked upon it that it could have no bad consequences, if the matter was fully divulged and all the circumstances fully explained at a general meeting; which was accordingly done and all things approved of. As therefore the satisfaction demanded has been given, there remains nothing further for me to say upon that head; and therefore I hope that our friendship with the English will stand upon the same good footing as heretofore."

King Malatchi also represented that he had done all in his power to make restitution for the theft of horses and goods which he charged to irresponsible young men, and that, in fact, most of the property taken had been restored. In that work he had been largely assisted by Mrs. Bosomworth, the government interpreter under Oglethorpe, who, from all accounts was quite a remarkable woman. As the widow of two great Indian traders, and descended on her mother's side from a famous Indian king, in 1745 she had married Mr. Bosomworth, an Englishman who had served as a soldier under Oglethorpe and afterward taken orders in the Established Church and, upon his marriage to the Creek woman, had joined the ranks of the traders himself. It was said that Mrs. Bosomworth was "greatly revered by all the friendly nations in America, who even bow the knee to her."

#### BLOOD FOR BLOOD

King Malatchi therefore had a valuable assistant in his delicate task of satisfying the English for the outrages perpetrated on the settlers, and at the same time keeping peace with his own people. While thus engaged, a drunken Chickasaw, who lived in the Creek Nation, fatally shot a white man. Knowing that satisfaction would be demanded, even before the news of the murder had reached Charlestown, Malatchi, with Governor Glen's agent and some Cherokee headmen, visited a number of towns in their endeavor to track the murderer and bring him to punishment. In this they were unsuccessful, but considered, notwithstanding, that they had met the case justly. "We insisted upon satisfaction," said the king, "which was accordingly given. The blood of an Indian was spilt for the blood of a white man; but it was the uncle of the person who committed the act, who voluntarily killed himself in his stead, as a satisfaction to the English."

"Governor Glen: We must be satisfied with what has been done, since that is your way; but in the future, in case any Indian happens to kill a white man, we shall expect that the principal shall suffer for the same. And in like manner, if any of our white people shall be guilty of the murder of an Indian, he shall suffer for his crime; and we will send for some of your people to be witnesses to the punishment."

King Malatchi concluded by saying that everything which the governor had demanded had been complied with; that his people had come to Charlestown with the intention of meeting the Cherokees and concluding a treaty of peace with them, and that the compact of friendship and commerce with the English was renewed.

#### CHEROKEES REFUSE TO GO TO CHARLESTOWN

But neither the treaties with the Cherokees and Creeks, nor the erection of Fort Prince George near Keowee, on the extreme western frontier of the province, prevented the slaughter, by roving Indian bands, of emigrants bound for the up-country, or passing through it. Thereupon Governor Glen invited another conference with the Cherokee chiefs. Attakullakulla, with an escort of nineteen warriors, brought down a message from the aged chief, Old Hop, that he could not expose his warriors to the fatal sickness they had often contracted in town and on the Keowee trail. Notwithstanding this insolent message, the governor consented to meet the headmen in council at a point midway between the Cherokee Nation and Charlestown, viz., at Saluda Old Town.

Before Governor Glen reached his destination, he was recalled by his successor, William Henry Lyttleton, who assumed office in June, 1756.

Besides these measures and movements of a related nature which tended to make history for the Glen administration, several notable events occurred worthy of note. In 1751 an act was passed for the division of St. Philip's parish, the new parish being known as St. Michael's. The corner-stone of its church was laid in the following year, but the building was not completed until 1761. It is probably the most beautiful eighteenth century church building in North America. Its steeple and chime of bells formed links in the remarkable history of Charleston and South Carolina for more than a century and a half.

With the establishment of St. Michael's parish and the commencement of the church which was to be so closely interlinked with the historic epochs of the province, occurred an event outside the leading center of morals, religion and culture, which had a far-reaching effect. The most important of the free schools in South Carolina, outside of Charlestown, was established in 1753 by the planters of Georgetown, who for convivial purposes and to discuss the methods of culture of their staple and lucrative crop had formed themselves into a society called the Winyah Indigo Society. At first merely a social club, the school, handsomely endowed and supported, survived the Revolution, and continued to 1865 in great activity and usefulness. Hundreds of children have had cause to bless the jolly indigo planters, whose descendants, shorn of their wealth, still keep the name Independent Charity School for the Poor, and, according to their wealth, still support the school.\*

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\* Harriott Horry Revenel's "Eliza Pinckney."



ST. MICHAEL'S CHURCH  
(Cornerstone Laid in 1752)

## CHARLES PINCKNEY AGAIN TO THE FRONT

Charles Pinckney again emerged into prominence in 1752, as in September of that year Governor Glen appointed him chief justice to succeed James Graeme, deceased. Those who have followed Pinckney's public record will realize how thoroughly qualified he was for the position. Educated in England and trained there as a lawyer, and a citizen of character and fortune, he had already served as attorney general and speaker of the Commons House and was probably the first native lawyer in South Carolina. But he remained in office only six months, as his Majesty had a favorite and was pleased to show his power by ignoring the appointment of the governor and the choice of the home government. Consequently, Peter Leigh, a counsellor who stood high in the mother country until he offended a political faction there, and was "at least under suspicion of improper conduct," came to Carolina with the king's commission as chief justice of the province, and held the office until his death in 1759.

In March, 1755, more than a year previous to the termination of Governor Glen's administration, occurred the death of William Bull, Governor Glen's predecessor and so long before a leading character in Carolina affairs. He was born in the province in 1683 and died on the 21st of March, 1755, at his country seat in Prince William's parish. On the following day the news reached Charlestown; the forts and all the vessels hoisted their colors at half-mast and minute guns were fired. The governor summoned the Council and addressed that body in an impressive eulogy, concluding as follows: "In whatever light to be viewed, he will appear to advantage. But the many excellent laws that he passed speak his praises better than I am able. He was careful in passing those laws; he was vigilant in executing them; he procured obedience to them, not so much by the weight of his powers, as by the authority of his own practice; for no man was more obedient to the laws than himself. You all have reason to lament the loss of him, but I, most of all, for I was frequently benefited by following his advice, more frequently by imitating his example, and where I could not equal, I endeavored to copy after him. I shall bequeath this advice to my successor: 'Go and do thou likewise.'"

## THE STATE OF THE PROVINCE

Governor Glen, on the whole, proved himself to be a man of affairs and good judgment, and rendered valuable service in laying before the Lords Commissioners of Great Britain, and through them, the commercial world of his day, a fair and practical account of the natural, commercial, industrial and political condition of the province at the time he was at the head of its affairs. "The western boundary of South Carolina," he says, in his "Answers to the Lords of Trade," "is formed by various nations of Indians, viz., the Catawbaus, the Cherokees, the Chickesaws, the Creeks and Chocktaws.

"The Catawbaus are situated about eighty miles from Saxgotha, a new township in South Carolina, and are in amity with the British government.

"The Cherokees form the northwestern part of that boundary; their nearest towns are three hundred miles from Charlestown and they are in alliance with us.

"The Chickesaws, Creeks and Choctaws, form the other part of that western boundary."



## RICE AND INDIGO CULTURE

As to rice and indigo, then the chief crops of South Carolina, Governor Glen makes the following observations: "Rice is not the worse for being a little green when cut. They let it remain on the stubble till dry, which will be in about two or three days, if the weather be favorable, and then they house or put it in large stacks. Afterwards it is threshed with a flail and then winnowed; which was formerly a very tedious operation, but it is now performed with greater ease by a very simple machine, a wind fan, but lately used here and a prodigious improvement.

"The next part of the process is grinding, which is done in small mills made of wood of about two feet in diameter. It is then winnowed again and afterwards put into a mortar made of wood, sufficient to contain from half a bushel to a bushel, when it is beat with a pestle of a size suitable to the mortar and the strength of the person who is to pound it. This is done to free the rice from a thick skin and is the most laborious part of the work. It is then sifted from the flour and dust made by the pounding; and afterwards by a wire-sieve called a market-sieve, it is separated from the broken and the small rice, which fits it for the barrels in which it is carried to market.

"They reckon thirty slaves a proper number for a rice plantation and to be tended with one overseer. These in favorable seasons and on good land will produce a surprising quantity of rice; but that I may not be blamed by those who, having been induced to come here on such favorable accounts and may not reap so great a harvest, and that I may not mislead any person whatever, I choose rather to mention the common computation throughout the province; which is that each working hand employed in a rice plantation makes four barrels and a half of rice, each barrel weighing five hundred pounds neat; besides a sufficient quantity of provisions of all kinds for the slaves, horses, cattle and poultry of the plantation for the ensuing year.

"Indigo is of several sorts. What we have gone mostly upon is the sort generally cultivated in the sugar islands, which requires a high, loose soil, tolerably rich, and is an annual plant; but the nilco sort, which is common in this country, is much more hardy and luxuriant, and is perennial. Its stalk dies every year, but it shoots up again next spring. The indigo made from it as of as good a quality as the other, and it will grow on very indifferent land, provided it be dry and loose.

"An acre of good land may produce about eighty pounds of good indigo, and one slave may manage two acres and upwards, and raise provisions besides, and have all the winter months to saw lumber and be otherwise employed in; but as much of the land hitherto used for indigo is improper I am persuaded that that not above thirty pounds weight of good indigo per acre can be expected from the land at present cultivated. Perhaps we are not conversant enough in this commodity, either in the culture of the plant, or in the method of managing or manufacturing it, to write with certainty. I am afraid that the lime water that some use to make the particles subside, contrary, as I am informed, to the practice of the French, is prejudicial to it, by precipitating different kinds of particles, and consequently incorporating them with the indigo.

"But I cannot leave this subject without observing how conveniently and profitable, as to the charge of labor, both indigo and rice may be managed by the same persons, for the labor attending indigo being over in the summer months those who were employed in it may

afterwards manufacture rice in the ensuing part of the year, when it becomes most laborious; and after doing all this, they will have some time to spare for sawing lumber and making hogsheads and other staves, to supply the sugar colonies."

#### THE GOVERNMENT FRAMEWORK

Governor Glen's synopsis of the government framework then existing in Carolina is so concise that it will bear reproduction, and serve as a point of view for future comparisons. The government of South Carolina, he says, is one of those called royal governments, to distinguish it, from the charter governments, such as Massachusetts Bay, Connecticut and Rhode Island, and from the proprietary governments, such as Pennsylvania and Maryland.

Its constitution was formed after the model of the mother country: The governor, Council and Assembly constituted the three branches of the Legislature, and had such power to make such laws as might be thought necessary for the better government of the province not repugnant to the laws of Great Britain, nor departing from them beyond what necessity may require.

The governor was appointed by patent, under the title of governor-in-chief and captain general in and over the province. He also received a vice admiral's commission. "But alas!" says the governor, writing from disagreeable experience, "these high sounding titles convey very little power, and I have often wished that governors had more. I cannot, however, help making this disinterested remark, that although a virtuous person might be trusted with a little more power, perhaps there may be as much already given as can safely be delegated to a weak or a wicked person; and considering that such may in ill times happen to be employed, a wise and good prince will therefore guard against it."

The members of the Council were appointed by the king under his royal sign manual, and were twelve in number; to whom the surveyor general of the customs was added, he having a seat in that body in all the governments within his district.

The Assembly consisted of forty-four members elected every third year by the freeholders of sixteen different parishes.

The Court of Chancery was composed of the governor and Council, the officials of which included a master in chancery and a register. The Court of King's Bench consisted of a chief justice appointed by his Majesty and some assistant justices. The same persons constituted the Court of Common Pleas. There were also a clerk of the Crown, who was clerk of the court mentioned, an attorney general and a provost marshal. The secretary of the province was also its register and appointed the clerk of the Council. The clerk of the Assembly, surveyor general of the land office, receiver general of the quit rents, vendue master and naval officer were appointed by the crown.

There was also the Court of Vice Admiralty, the judge, register and marshal of which were appointed by the lords commissioners of the admiralty. The other officials of the court were the comptroller of the customs, three collectors stationed at Charlestown, Port Royal and Winyaw, and two searchers at Charlestown, all of whom were appointed by the commissioners of the customs or by the lords commissioners of the treasury.

The public treasurer, the county comptroller, the commissioner of Indian affairs and several other officials were appointed by the General Assembly. The governor appointed justices of the peace and

officers in the militia, "which," remarks Glen, "are offices of no profit and some trouble, and therefore few will accept of them unless they are much courted."

The clergy were still elected by the people.

#### THE MARITIME TRADE

As to the maritime trade of South Carolina, Governor Glen found a great improvement in its condition within "late years," caused by the fact that its exports had not only greatly increased but that its imports from New York and Pennsylvania had materially decreased, as the flour, bread, hams and bacon which were formerly supplied entirely by these provinces, were now largely raised by the new townships inhabited by Germans. Beer, however, was still imported from the northern districts.

In 1749 Governor Glen expressed his regret that the "Golden Rule of commerce was not followed, which he defined to be that imports and exports should balance each other. Like some modern pseudo-economists he did not know that an excess of imports over exports may betoken the power of colonists to pay for what they had bought. Several years earlier the colonists had a painful experience of the issue of paper money, being then under the delusion, which has not yet died out, that a promise to pay when made by a Province or State, was equivalent to the power to cash the notes on which it was written or printed.

"And the importation of negro-slaves, which formerly was a considerable article of expense to us, hath not only been saved for a time, but is likely to continue so for the future. A law having been made in this province whereby a duty was laid on negroes imported here, that it amounted to a prohibition; and though since the expiration of that law the war hath hitherto prevented any from being imported, I do not find that in about nine years' time our number of negroes is diminished, but on the contrary increased; so that, from all appearances, the negroes bred from our own stock will continually recruit and keep it up, if not enable us to supply the sugar colonies with a small number of negroes."

The trade of South Carolina gave employment to 15,000 tons of shipping and 1,500 seamen. The governor estimated that its exports of rice and other articles amounted, in tonnage, to about one-tenth of those sent from the British northern colonies. There is a very interesting parenthetical clause in a section of the governor's "Answers." After expressing "surprise and concern" that there were annually "imported into this province considerable quantities of fine Flanders laces, the finest Dutch linens and French cambricks, chints, Hyson tea and other East India goods, silks, gold and silver lace," he gives "A list of all such goods as are usually imported." He includes: "Linnens of all kinds from cambks to oznabrigs, of the manufacturing of Germany, England, Scotland and Ireland, to a great value, being all that are used here—except a few made by the Irish township of Williamsburgh, like Irish Linnen." That is said to be the first published reference to textile manufacturing—now the most important industry in South Carolina.

"By these means" (the dearth of local industries), "we are kept in low circumstances; and though it may have the appearance of being for the present beneficial to the British merchants, yet it retards our increase both in people and wealth, and consequently renders us less profitable to Great Britain, for the riches of all colonies must at

length center in the mother country, more especially when they are not encouraged to go upon manufactures and when they do not rival her in her produce."

#### FIGHTING STRENGTH OF CAROLINA INDIANS

Governor Glen calls attention to the necessity of preserving friendly relations with the neighboring Indian tribes not only because of their valuable trade but because of their defensive value against the French. As he had made it a special duty therefore to investigate their strength and their attitude toward British interests as they concerned South Carolina, he transmitted the information so gathered to the lords commissioners. All the strongest Indian nations were situated on the western side of the province, toward the French possessions.

The Catawbaw nation had about 300 fighting men—"brave fellows as any on the continent of America and our firm friends. Their country is about two hundred miles from Charlestown."

"The Cherokees live at the distance of about three hundred miles from Charlestown, though indeed their hunting grounds stretch much nearer to us. They have about three thousand gun men and are in alliance with this government.

"I lately made a considerable purchase from that Indian Nation of some of these hunting grounds, which are now become the property of the British Crown at the charge of this province. I had the deeds of conveyance formally executed in their own country by their head men, in the name of the whole people and with their universal approbation and good will.

"They inhabit a tract of country about two hundred miles in extent, and form a good barrier, which is naturally strengthened by a country hilly and mountainous, but said to be interspersed with pleasant and fruitful valleys and watered by many limpid and wholesome brooks and rivulets which run among the hills and give those real pleasures which we in the lower lands have only in imagination.

"The Creek Indians are situated about five hundred miles from Charlestown. Their number of fighting men is about two thousand five hundred, and they are in friendship with us.

"The Chickesaws live at the distance of near eight hundred miles from Charlestown. They have bravely stood their ground against the repeated attacks of the French and their Indians, but are now reduced to two or three hundred men.

"The Choctaw Nation of Indians is situated at a somewhat greater distance from us and have, until this year or two, been in the interest of the French, by whom they were reckoned to be the most numerous of any nation of Indians in America, and said to consist of many thousand men.

"The people of most experience in the affairs of this country have always dreaded a French war; from an apprehension that an Indian war would be the consequence of it. For which reasons, I have, ever since the breaking out of the war with France, redoubled my attention to Indian affairs, and, I hope, not without success."

The account then goes on to show that the Choctaw Indians had lately been showing marked hostility to the French around Mobile, and that the tribes still friendly to them were unimportant and a thousand miles from Charlestown.

#### CAROLINA LIVE STOCK

In his review of the natural products of South Carolina, Governor Glen speaks with some enthusiasm of its live stock, especially

the black cattle which were more plentiful than in any other English colony; "which is chiefly owing to the mildness of the winter, whereby the planters are freed from the charge and trouble of providing for their cattle, suffering them to feed all the winter in the woods. These creatures have mightily increased since the first settlement of the colony about forty years ago. It was then reckoned a great matter for a planter to have three or four cows; but now some people have a thousand head of cattle, and for one man to have two hundred is very common. They likewise have hogs in abundance, which go daily to feed in the woods and come home at night. Also some sheep and goats."

Under the head of husbandry, the "description" takes up the production of Indian corn, the culture and manufacture of rice, the extraction and preparation of turpentine, tar, pitch and rosin, the breeding of silk worms and the production of silk.

The last portion of Governor Glen's report is devoted entirely to the consideration of the importance of rice as an article of export, and the building up of South Carolina's European trade thereupon.

For several years previous to the early '40s, the raising of indigo and its preparation for the market had met with little success in the West Indies, whither it had been introduced from the natural habitat of the plant in the East. Great Britain was especially anxious to make the industry a success in South Carolina, as France had prosecuted it with such success in the West Indies. The story is of peculiar interest as a feature of Carolina history, because a talented and public spirited woman of the province was the first to cultivate and bring Carolina indigo to the front as a commercial possibility. Before her discernment, patience and talents were applied to the problem, little progress had been made toward that end, and it was mainly through her perseverance, despite many discouraging drawbacks, that indigo earned a position as one of the leading articles of Carolina's exports and maintained it for a period of some forty years.

#### ELIZA. LUCAS PERMANENTLY INTRODUCES INDIGO

In 1739 Lieut. Col. George Lucas was governor of Antigua, one of the Leeward Islands which witnessed one of the first landfalls of Columbus in 1493. His family had resided many years there, but at that time Mrs. Lucas' health requiring a change of climate, Colonel Lucas moved his home to the estate which he had purchased near the confluence of Wappoo Creek and Stono River opposite Charlestown. Soon after his arrival, the war with Spain obliged him to return to Antigua, while the wife remained with her children in Carolina.

At the time mentioned, the eldest daughter of the Lucas family was Eliza, who, although but eighteen years of age, had been well educated in England, and was particularly well versed in botany and the natural sciences. The domestic affairs of the household also fell upon her young but capable shoulders; but, although born in the West Indies, she had none of the tropical sloth, but was alert, practical and capable, and interested herself also in the management of the plantation at Wappoo.

In 1741 Colonel Lucas sent his daughter seeds and fruit of the indigo plant to be tested in the Carolina plantation. The record shows that without particular information as to the season for sowing or the most desirable soil, she undertook the experiment of indigo culture. The first seed was planted in March and was destroyed by a

frost; the next in April was cut down by worms; the third, and later planting, succeeded.

The most interesting and authentic account of Miss Lucas' experiments and final successes is given in Mrs. Harriott Horry Ravenel's "Eliza. Pinkney" (Miss Lucas married Col. Charles Pinckney), in one of the Scribner series of "Women of Colonial and Revolutionary Times." It reads as follows: "Indigo, of which nothing has been said for some time (it being most convenient to give the whole story at once) was now (1742) being made in considerable quantities. The cultivation of this plant is an exceedingly nice one, requiring careful preparation of the soil and much attention during its growth; and the preparation for market is long and critical. The leaves must be cut at just the right moment—not too early—for then the color will be poor; or too late, for that will injure both quality and quantity. When cut, the leaves are soaked in vats until they ferment, froth and give up their coloring matter. The great art is to let this fermentation go on just long enough to get the right color. The liquid is then drawn off into a second vat clear of the leaves, where it is beaten with paddles until it begins to thicken. It is then led into a third vat and allowed to settle, when the clear water is drawn off. The sediment is formed into lumps or cakes and after being carefully dried in the shade it is ready for sale.

"It will be readily seen that all this required care and skill. While the fermentation is going on (a period of several days), it is watched night and day by relays of hands, and the head man, the 'indigo maker,' never leaves it. For this important position, Governor Lucas sent out an overseer from the island of Montserrat named Cromwell. He understood the processes and built brick vats; but to Miss Lucas' horror the lumps which he produced were of such inferior quality as to be almost worthless. He asserted this was due to the climate. She, by close watching and careful experiment, found that he was mistaken and found also where the fault lay. She dismissed Cromwell and put his brother in his place, who was at first more successful.

"With true patriotism, Miss Lucas devoted her whole crop of 1744 to making seed, for one great difficulty had been that she could not get the seed from the East Indies in time for the crop to ripen before a frost. This home-made seed she distributed as gifts to those planters who would undertake to try it. This was really liberal, as the price of seed continued very high for years.

"By this gift many planters were induced to try the new plant. Some of the Huguenots, who had seen the plant in France, and especially Mr. Deveau, were very successful in the preparation. As early as 1744, a few months after her marriage, Mrs. Pinckney wrote to her father: 'We hear they have, at Garden Hill, the prospect of a very good crop. We gave particular orders to Murray about the seed, which I am still in hopes will prove a valuable commodity.

"'Out of a small patch of indigo growing at Wappoo (which Mamma made a present to Mr. P.), the brother of Nicholas Cromwell, besides saving a quantity of seed, made us seventeen pounds of very good indigo; so different from N. C's that we are convinced that he was a mere bungler at it. We pleased ourselves with the prospect of exporting in a very few years a good quantity hence, and supplying our mother country with a manufacture for which she has so great demand, and which she is now supplied with from the French colonys; and many thousand pounds per annum thereby lost to the nation, when she might as well be supplied here, if the matter was applied to in earnest.'

"There are several letters from Governor Lucas on the subject. In some of them he suggests that the brick vats may be the cause of trouble and that wood had better be tried. The truth was that the Cromwells were traitors. They purposely spoiled the lumps, not choosing that the Carolina product should interfere with that of their native island of Montserrat. Governor Lucas then sent out a negro from one of the French islands and soon the battle was won.

"In 1747 enough was made to make it worth while to export it to England for sale. Great Britain immediately offered a bounty of six pence a pound, in order to exclude the French indigo from her market. It is said that while this was paid the planters doubled their capital every three or four years."

#### INCREASE OF INDIGO EXPORTS

In the year mentioned (1747), the exports of indigo to England amounted to 134,118 pounds, and in 1754 to 216,924 pounds. Projecting the industry far beyond Governor Glen's administration, into a period shortly preceding Revolutionary times, the exports had reached 1,107,660 pounds. The British government, from 1749 to 1773, paid in bounties £145,022 on American indigo, almost the entire output coming from South Carolina.

During the times which tried men's pocket books, as well as their souls, the cultivation of rice largely overshadowed the raising of indigo, as the latter was not in the strict classification of "necessities." In 1783, indigo again took its place as among the leading products and exports of the colony, but large importations of it from the East Indies to England lowered the market price of it and made it less profitable as a Carolina product. Near the close of the eighteenth century the indigo industries were almost replaced by those related to cotton.

Altogether, the Glen administration, although not brilliant, was marked by substantial progress in material gains for the province and the stabilizing of its position as a valuable possession of the British realm and a desirable land for the founding of homes.

## CHAPTER XVII

### THE LYTTLETON ADMINISTRATION (1756-1760)

The problem which has long vexed and still vexes the United States as a Federal State continued to be presented to South Carolina as a province, viz., the harmonious assimilation of peoples of diverse nationalities, religions, customs, traditions and temperaments. Early in Governor Lyttleton's administration, French Acadians of Nova Scotia and Scotch-Irish of Western Pennsylvania filtered into Carolina—the former through the coastal regions and the latter, through the up-country from far-off Pennsylvania, coming down by way of the mountainous frontiers of Virginia. The four years of his governorship were to be largely occupied in efforts to either placate or subdue the warlike and powerful Cherokees, whose support was admitted to play such an important role in the conflicts on American soil between France and Great Britain. War had been formally declared on the 17th of May, 1756, while the governor was en route to his new charge, his arrival in Charlestown harbor being on the first of June.

Governor Lyttleton had not reached his destination without adventure. It was his second attempt to take possession of his government. The first was thwarted by a French squadron which had seized the ship in which he was being conveyed to Carolina, when it had reached the Bay of Biscay, and turned it back to France. As war had not then been declared—in fact, hostilities not actually commenced—a French court promptly released him; and his second attempt, as noted, was a success.

Governor Glen was in attendance at the meeting of the Cherokee chiefs at Saluda Old Town when the new executive arrived at Charlestown. He was received by the government officials, merchants and social organizations with much patriotic enthusiasm and presented with many graceful and laudatory addresses. Promises had been made to the Indians that a fort should be erected near the southwestern boundary of Virginia on the Tennessee River to assist them in their promised defence of that frontier against the threatened invasion of the French. Both Carolinians and Virginians were therefore at work on Fort Loudon. While en route for the Cherokee towns further inland, a messenger from Governor Lyttleton overtook Governor Glen's force, with its wagon train of provisions and other supplies for the Cherokees, and the frontiersmen, with an order from the executive then in authority that it be disbanded.

A portion of the expedition was disbanded at Ninety-six, and another, under Captain Demere, proceeded to Fort Prince George. That section of the party was designed to further assist in the building of Fort Loudon. Captain Demere had returned an answer to Governor Lyttleton's order to disbandment which included the following sentence,—significant in view of subsequent developments: "I find myself alone here with a young officer who, although quite capable, is yet too young for such a command unassisted at this time." He adds:



"I shall therefore march with the whole party myself as far as Keowee, and there await further orders from your Excellency." Governor Glen, and the gentlemen who had accompanied him, returned to Charlestown.

While at Fort Prince George, Captain Demere had been visited by Little Carpenter, whose conduct had excited his suspicion of the honorable intentions of the Cherokees. This suspicion had been strengthened by the actions of the chief and a party under him, who deserted the British expedition against Fort Duquesne. The deserters had been apprehended and disarmed and returned to Carolina with no outward exhibition of resentment. Other bands of Cherokees had deserted the British troops in North Carolina, and even gone on the war-path. Still others had stolen horses and committed other depredations along the way, and, before long, the whole frontier was aflame with the torch and gleamed with the scalping knife of the treacherous Cherokee.

#### CHEROKEE CHIEFS CONFER AT CHARLESTOWN

Captain Demere, the commanding officer at Fort Loudon, dispatched a messenger to inform Governor Lyttleton of the alarming state of affairs, and orders were at once issued to the militia to rendezvous at the Congarees. Thither he was to follow and march at once to the relief of the frontier. Thereupon the Cherokee chiefs appealed to Governor Ellis of Georgia as a mediator, and the executive of South Carolina agreed to confer with them at Charlestown. The great warrior, Oconostota, also assured Captain Demere that the outrages of which the whites complained had been committed by hot-blooded youths of their nation who had been fired by the French through representations that the Cherokees would be enslaved once the English completed the fort and made substantial settlements on their lands.

The conference in the council chamber at Charlestown, between the chiefs headed by Oconostota, and Governor Lyttleton lasted several days, from October 18-22, 1756, inclusive. The great warrior represented himself as the spokesman of Old Hop, the great beloved wise man of the Cherokee Nation, and repeated his former claim that the outrages of which complaint had been made were committed by irresponsible young men and by no means represented the sentiment of the nation. But no tangible guarantee of future good conduct was offered and the governor refused to receive the skins and beads which they offered as symbols of friendship. On the last day of the conference, Governor Lyttleton plainly told the great warrior that he did not believe the Cherokee chiefs had been deputed to speak for the Cherokee Nation, since he had received advices during the progress of their "talk" of threatened and actual attacks upon white settlers. He then proceeded to enumerate the long list of the murders and other outrages which were charged against the nation; said he was about to start into the Cherokee country with a large force to demand satisfaction and assurances of future good conduct; assured the Cherokee delegation of a safe return to their nation in case they accompanied his expedition, and otherwise gave them plainly to understand that bitter war would be waged against them, in case they did not mend their ways.

This brusque treatment of the Cherokees was not approved by William Bull and others well versed in the Indian character and the most practical way to influence it for peace and good results. As they

anticipated, the chiefs were indignant at the net result of their mission, which was only to secure from the governor a promise of safe conduct to their homes, and that with the provision that they should return virtually as prisoners of war.

#### LYTTLETON STARTS FOR THE CONGAREES

Two days after the talk, which was so one-sided, the governor set out at the head of his little force of horsemen and militia, to rendezvous at the Congarees near the present city of Columbia. Accompanying him were several who had already become prominent and others who were to become historical characters of a later day. Brigadier General Bull was already widely known. Colonel Howarth, of the provincial force, was also with the governor, and there were several members of his staff who were coming into prominence in the province. Of these were William Moultrie, one of the governor's aides-de-camp, and Capt. Christopher Gadsden, who commanded sixteen volunteers of an artillery company he had raised. Other members of the gubernatorial staff were Maj. Henry Hyrne, late of the Provincials, adjutant general; Lieut. Lachlan Shaw, brigade major; Ensign Lachlan McIntosh, quarter master; William Drayton, aid-de-camp who was to become chief justice of Florida and, in the midst of radicals and revolutionists, remain true to royalty; and George Milligan, the surgeon of the expedition.

This Christopher Gadsden, who is to come into much prominence during many of the crises of Carolina history, was well qualified by education and temperament to be a popular leader in movements which required prompt decision and definite ideas along practical lines. His father, who was an officer in the British merchant service and the king's collector at the Charlestown port, had sent him to school in England. Subsequently, the son had been connected with the mercantile marine and engaged in business and planting. Christopher Gadsden, while a member of the Legislature, had obtained the passage of an act to raise a company of artillery, of which he was appointed captain, and in that capacity accompanied Governor Lyttleton on his Cherokee expedition. His greatest usefulness and prominence were to be achieved during South Carolina's transition period from a royal province to independence of all British rule, and during the infancy of the American State.

When the little army moved from the Congarees, on its way to Fort Prince George, the Cherokees were herded as common prisoners of war, and it was not long before the Indians were sullen and defiant. Upon their arrival at the fort, they were confined in a small hut, designed for the accommodation of perhaps half a dozen soldiers. By appointment, the governor was met there by Attakullakulla, the Little Carpenter, who, in spite of his apparent lapses, was still considered the most reliable of the Cherokee chiefs.

#### FIASCO OF THE EXPEDITION

On the 17th of December the first conference between them was held at Fort Prince George. Governor Lyttleton demanded twenty hostages from the Cherokee Nation as a guarantee that the twenty murderers of white settlers should be apprehended and punished. Little Carpenter suggested that his countrymen had been ill-treated in Virginia and that perhaps his severity toward the chiefs whom he now held was not exactly a reward for the support which the Chero-

kees had usually given to the British. He therefore desired the governor to release some of the headmen then confined in the fort to assist him in apprehending the guilty Cherokees. In compliance with this request, Oconostota, the great warrior, and Fiftoe, the chief of Keoweetown, were released, and on the following day delivered up two Indians, whom Governor Lyttleton at once put in irons. Upon which all the Cherokees who were without influential connections fled and it was impossible to muster the hostages demanded.

Finally, an agreement was reached by which twenty-six chieftains of the Cherokees were to be confined in Fort Prince George as hostages for whites murdered by members of their nation. Another Indian was added to the two already delivered, and the three were at once carried to Charlestown, where they eventually died in confinement. Otherwise, the so-called treaty remained a dead letter. Soon afterward, smallpox broke out in the fort and the expedition dispersed, the governor returning to Charlestown, where he arrived January 8, 1760.

Governor Lyttleton, however, was acclaimed as a conqueror and great peace-maker, being escorted into town by the militia, entertained by the Council, saluted by the forts and the vessels in the harbor, and honored by the provincial literati and the clergy. But these honors had scarcely been bestowed when the news reached the capital that the Cherokees had killed fourteen men within a mile of Fort Prince George.

#### THE CHEROKEES' REVENGE

Captain Demere had left the fort in command of Ensign Coytomore, the capable officer whose youth was all that was against him in the estimation of his superior, but the Indians detested him and determined to be avenged also upon those who had made prisoners of some of their leading chiefs. Their great warrior, who had obtained his freedom through the efforts of Little Carpenter, was now an implacable enemy of Carolina. He had confined the garrison under Coytomore within the walls of Fort Prince George, and as he could not carry it by assault decided to attempt its downfall by strategy. The first step was to slay or incapacitate the officers of the garrison.

Oconostota first placed his savages in a dark thicket by the river-side and sent an Indian woman to tell Coytomore that he (the chief) had something of importance to tell him and wished to meet him at the bank of the stream. Coytomore consented and, accompanied by his lieutenants, Bell and Foster, issued from the fort to meet him. The great warrior said he wanted a guide to conduct him to Charlestown, but while he was still parleying with Coytomore waved a bridle, which he had in his hand, three times over his head. At that signal, the savages appeared, killed Coytomore and wounded his lieutenants. In consequence, the garrison proceeded at once to put all the Cherokee prisoners in irons. They resisted and stabbed three of the men who attempted to put manacles upon them. Then, in further retaliation, the garrison fell upon the Indians and killed the last one of them.

The horrible sequel is graphically told in Landrum's "History of Upper South Carolina." to this effect: "This unfortunate catastrophe maddened the whole Cherokee nation. The pleasant relations which had been so recently formed with these people were at an end. It is said that in the murder of these hostages, there was scarcely a family among the Cherokees that had not lost a friend or relative. The whole nation seized at once the hatchet, sang their war songs and, burning for revenge, fell upon the frontier settlements of Carolina, and with

merciless fury set to work murdering men, women and children. The settlements, everywhere alarmed and terrified, lost no time in setting to the work of building forts and stockades. It is said that a line of forts extended along the borders of the outer settlements from Virginia to Georgia.

"Just what were the particulars of the murders committed upon the white people who settled the country now comprised within the territorial limits of Spartanburg and other counties, it is now impossible to know. Judge O'Neal in his 'Annals of Newberry' says that after the killing of Coytomore and the wounding of Bell and Foster, the savages rushed upon the defenseless settlements of Long Canes, Saluda and Little River, and committed their work of murder and devastation. We certainly know that it was during these troublous times that old Fort Prince George; Poole's Fort, near Wofford's Iron Works, now Glendale; Nichol's Fort, at Narrow Pass, near Captain David Anderson's block house; Earle's and Thickety forts, were built." The war with the Cherokees was not concluded until the April following this terrible uprising of the infuriated Indians, and not until Lyttleton had been succeeded by William Bull as governor.

#### MASSACRE OF THE LONG CANE SETTLERS

The Cherokee massacres of February, 1760, include no more terrible incident than the murder of Mrs. Patrick Calhoun, on the first of that month, with others of the settlement which had been made on Long Cane Creek, in what is now Abbeville County, and the carrying into captivity of the two young daughters of the Calhoun family. Patrick Calhoun was a member of a party, who, while attempting to move their wives, children and household effects to Augusta, were attacked by Cherokees as they approached Patterson's bridge. They had just encamped at that locality for the night, and their horses had not yet been unharnessed. This fact added to the difficulties of making an effective resistance, and in the confusion which followed the fierce and unexpected attack about fifty, mostly women and children, were slain. Others, cut and even scalped, wandered into the woods where they were afterward found, and a few escaped injury and their savage pursuers. Mrs. Catherine Calhoun, the mother of the family, was killed, the two little daughters of Mr. William Calhoun were carried into captivity. One of the latter was afterwards rescued; no trace was ever found of the other. According to the testimony of Patrick Calhoun, the settlement at Long Cane Creek of which he was one of the founders, four years before the massacre, comprised about 250 inhabitants at the time of the Cherokee uprising. Patrick Calhoun, in after years, erected two stones to mark the site of the Long Cane massacre. One of them bears the following inscription:

Pat'k Calhoun Esq.  
In Memory of Mrs.  
Cathrine Calhoun  
Aged 76 Years who  
With 22 others was  
Here Murdered by  
The Indians the  
First of Feb. 1760.

After the massacre at Long Canes, Patrick Calhoun, the father of the famous John C. Calhoun, took refuge in the Scotch-Irish settle-



SITE OF THE LONG CANES MASSACRE



MEMORIAL OF THE MASSACRE

ment which had centered in the Waxhaws Church at Lancaster. In that community, which had been formed a number of years previously, were the Jacksons (Andrew was born there), the Calhouns, the Pickens and the Crawford. From the last named sprung Calhoun's great political rival, William H. Crawford of Georgia. At the Waxhaws, Andrew Pickens met Rebecca Calhoun whom he married. William Richardson Davie, one of the notable partisan leaders of Revolutionary times, and the founder of the University of North Carolina; Judge William Smith, who was the grandfather of the State Rights doctrine, if Calhoun was its father; Dr. J. Marion Sims, one of the greatest surgeons of modern times, and others who have brought fame to South Carolina in several generations, were either born or primarily developed in the Waxhaws of upper South Carolina.

No element of the up-country had such a marked effect on its development, or tended to infuse so much of the vitality which has characterized the South Carolina type, as the Scotch-Irish Presbyterians, who gradually spread through the present counties of Abbeville, Greenville, Lancaster, York, Chester, Fairfield, Union, Newberry and Edgefield.

#### COMING OF THE FRENCH ACADIANS

The immigration of the French Acadians, or Neutrals of Nova Scotia, was more a detached incident than a continuous infiltration and racial influence. Although that Canadian province had been British land for more than thirty years in 1749, it was not until the year named that its owner paid much attention to it. To counteract the disturbing designs of the old French settlers, Great Britain then commenced to colonize Nova Scotia with its own people, and founded Halifax as a British town.

The cruelties attending the expulsion of the French Acadians have doubtless been somewhat exaggerated, albeit it was doubtless necessary for the peace and security of the government in force that the French should be required to take the oath to be loyal to the British. Those who refused were exiled, and after the defeat of Braddock in July, 1755, there seemed no place to send them with comparative safety except to the colonies farther to the south.\* The Acadians were apportioned among the various British colonies as follows: To Boston, 2,000; Connecticut, 300; New York, 200; Philadelphia, 300; Maryland, 2,000; Virginia, 1,000; North Carolina, 500; South Carolina, 1,500; Georgia, 400.

The Acadians probably found more people speaking their own language and of French extraction in South Carolina than in any other province; but, the Carolinians were all Protestants, while the deported exiles from the North were Roman Catholic to a man, and were obviously not welcome to Huguenot exiles or their children. The emigration had little effect in the peopling of South Carolina for nearly all of the Acadians eventually left the province.

In November, 1755, the Baltimore Snow brought the first installment from the Bay of Fundy region, which was followed by other accessions of Acadians, until more than 1,000 had been landed in Charlestown. The immigrants made several attempts to escape from their enforced exile, and a few succeeded, endeavoring, either by land or sea, to return to Nova Scotia. It was said that they committed some robberies in the interior, and Lyttleton's administration endeavor-

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\* Transactions, Royal Society of Canada, Vol. 5.

ored to regulate the Acadian immigrants so that they should not become a menace or a public charge. One of its first acts provided for the distribution of the families, which had settled in Charlestown throughout most of the province, including Saxe-Gotha and Amelia townships, St. Helena; St. George's; St. James, Goose Creek; Prince George Winyaw, and Prince William's parish; four-fifths of them to be sent to parishes outside the capital. The expense of their transportation and support was to be defrayed by a general tax on the real and personal property of residents throughout the province. The Acadians were to be thus maintained for three months, unless bound out before that time to those who wished to take them as servants. The remaining fifth were to be supported by the church wardens and vestry of St. Philip's in Charlestown. The French neutrals were especially prohibited from bearing firearms.

With the Acadians legislatively settled, the Assembly passed the annual expense budget amounting to over £93,000, which had been held up for some time because of its quarrels with the Council as to legal jurisdiction, and in July, 1756, an adjournment was effected until the following November.

## CHAPTER XVIII

### BULL AND BOONE ADMINISTRATIONS (1760-1764)

William Bull (second), who had been repeatedly speaker of the Commons House; was brigadier general of the militia and, although he accompanied Lyttleton on his disastrous Cherokee mission, had advised against the expedition, had been appointed lieutenant governor, and succeeded the latter as chief executive of the province in April, 1760.

Thomas Pownal had been commissioned governor of South Carolina to succeed Lyttleton, but (like Samuel Horsey at an earlier period, 1738) never came to the province. On the 16th of April Lieutenant Governor Bull issued his proclamation formally assuming the administration.

That was the commencement of an official career unparalleled, in some respects, in the history of South Carolina. Holding the office of lieutenant governor of the province for fifteen years, for more than half that period William Bull was the active and responsible head of provincial affairs. When difficulties and complications were heaped upon the heads of the governors commissioned by the Crown, who had practically assumed the duties of their office, they usually shifted their burdens upon the sturdy shoulders of William Bull; and he bore them unflinchingly and successfully, without seeming to covet special honors or financial rewards. He was an honorable, faithful and able governor, and South Carolina owes much to his virtues and talent for administration.

The Crown seems at length to have comprehended the strategic importance of presenting a solid front to the French pressing in from the west, and to do this it was necessary to gain the support of the Cherokees either by negotiations or a crushing military campaign. Negotiations and halfway measures had failed, and the latter course was now pressed with vigor. On the 1st of April, a few days before the departure of Governor Lyttleton, and as William Bull was about to assume direction of provincial affairs, transports arrived from New York bearing 1,200 Royal Scots and Highlanders, under command of Colonel Montgomery and dispatched by Major General Amherst, commander-in-chief of his Majesty's forces in America. Their arrival broke a precedent of ninety years—unless Oglethorpe's regiment, for service in Georgia, be an exception—which had seemed so firmly established as to seem fundamental law, viz., that South Carolina should only be protected by South Carolinians and not by the British, even after its character was changed from that of a proprietary to a royal province.

The expenses of this expedition were doubtless paid from that grant by Parliament of £50,000, made on May 19, 1757, "For the use and relief of the Provinces of North and South Carolina and Virginia, in recompence for services performed and to be performed with the appropriation of the Commander in Chief in America."



The arrival of the British regulars was most welcome, but did not prevent Lieutenant Governor Bull from applying to North Carolina and Virginia for assistance in the approaching Indian campaign, as he rightly considered them equal parties in interest with South Carolina. In the subjugation of the Cherokees would rest the virtual security of the southern frontiers against the French-Indian attacks as a whole. Bull did not rest with this action, either, but himself raised seven troops of South Carolina rangers to cooperate with the British regulars under Montgomery.

#### CAMPAIGN INTO THE CHEROKEE COUNTRY

According to a contemporaneous letter published in the South Carolina Gazette by Lieut.-Col. James Grant, who completed the campaign so well begun by Colonel Montgomery, the latter marched to the Congarees with his combined force of Scottish troops, home militia and volunteers, a few weeks after his arrival from New York. Thence he set out for the Cherokee country. He marched with great expedition and his vengeance was summary. The towns and villages of the Cherokees occupying the beautiful valley of the Keowee were reduced to ashes, their magazines of corn consumed, some sixty to eighty warriors slain and forty Indians, chiefly women and children, made prisoners. These settlements occupied the territory of the present counties of Anderson, Pickens and Oconee in South Carolina, and Cherokee and Macon, in North Carolina.

As Colonel Montgomery's orders did not allow him to remain longer in the Cherokee country after he had struck this swift and destructive blow, he returned to Charles Town, leaving four of his companies to cover the frontier. That force was not sufficient to overawe the warlike Cherokee enemy, who had been only temporarily defeated.\* The British withdrawal as a body was evidently construed as a retreat, and Fort Loudon was promptly surrounded and invested by the Cherokee warriors, still eager to avenge the slaughter of their comrades. The famished garrison, to the number of 200, under Captain Demere, were allowed to march forth toward Carolina, but on the day following their departure the wily Cherokees surrounded them, and, after killing the number of soldiers corresponding to the Indian hostages to Lyttleton, which the garrison had previously slaughtered (including Captain Demere), distributed the remainder of the whites as captives among the Indians.

#### THE LITTLE CARPENTER SAVES CAPTAIN STUART

The life of Captain Stuart, who was second in command to Captain Demere, was saved through the intercession of Attakullakulla, who purchased his white friend from the Indian who held him as his special captive. Little Carpenter sheltered Stuart in the house of Captain

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\* Fort Loudon has been made the scene of a war drama by a German, Ewald C. Harbort. It is entitled "Freedom" (*Freiheit*); was printed in New York in 1915 in German, and bears the sub-title "*Historisches Drama aus der Amerikanischen Geschichte in drei Teilen.—I Teil, Die Hinterwälder von Carolina.*" The time is 1775, and the *Dramatis Personae* does not include any historical character except the great Ottawa chief, Pontiac. Herr Harbort apparently has never heard of "Little Carpenter," or Oconostota, or Old Hop, nor of Captain Demere or his two lieutenants who were victims of the Cherokees. The drama is of little value, and the title "Fort Loudon" has been selected without reference to a single event in the history of that once famous fortress.

Demere which he occupied with his family. Stuart was informed by his Cherokee captors that they had resolved to attack Fort Prince George; that men under him must carry cannon for its reduction and that he himself must write such letters to the commandant of the fort as they should dictate. Further, if the officer in command at Fort Prince George should refuse to surrender, they would burn all the prisoners before his very face.

In this terrible extremity, Attakullakulla determined to effect Captain Stuart's escape, by pretending to take him on a hunting expedition in company with his wife, brother and two of the soldiers. Advising his fellow captives to stand fast, and in no possible way assist in the proposed attack on Fort Prince George, Captain Stuart set out with his Indian friends and his white comrades. On the tenth day of their travels, the party arrived on the banks of the Holstein River, three days' distant from the Virginian frontier. There they fell in with a military force of 300 men sent out for the relief of Fort Loudon, and on the fourteenth day of their departure from that point reached the main camp just over the Virginian line. Captain Stuart loaded Attakullakulla with presents and thanks for his own preservation, with advice to return to Fort Loudon and protect the prisoners left behind until they could be ransomed by the provincial authorities, and work for peace.

Captain Stuart then dispatched an express to Lieutenant Governor Bull, informing him of the disaster to Fort Loudon and its garrison, with the Cherokees' designs on Fort Prince George. The governor threw provisions into the fort to carry the garrison over the period of a possible siege, arranged to dispatch militia and the Royal Scots to the danger point, appealed again and otherwise prepared for a decisive offensive into the Cherokee country.

Lieut.-Col. James Grant, who had succeeded Colonel Montgomery in command of the Highlanders and received orders to return to the relief of South Carolina, reached Charlestown early in the year 1761 and went into winter quarters. The Carolina regiment, raised by Governor Bull, was placed in command of Col. Thomas Middleton. His under officers included several who were prominent figures in later periods of South Carolina history—Henry Laurens, lieutenant colonel; John Moultrie, major; William Moultrie, Francis Marion, Isaac Huger and Andrew Pickens, company officers. The provincial and regular forces, with some friendly Indians, thus organized for the Cherokee expedition and designed to move into the upper country in the spring of 1761, comprised about 2,600 men under the general command of Colonel Grant. The ensuing campaign, which finally broke the spirit of the Cherokee Nation and forced its defeated and exhausted warriors to sue for peace, is often known as the Grant Indian war.

#### THE "GRANT INDIAN WAR"

Colonel Grant, with the force mentioned, arrived at Fort Prince George on the 27th of May, 1761, and on June 7th began his march thence, carrying provisions for thirty days, which he believed would be the period required to accomplish the subjection of the Cherokees. The result proved his judgment was good. The main engagement occurred near the scene of the battle fought by Colonel Montgomery, and, after three hours of stubborn fighting, resulted in the retirement of the Indians from their hilly defences and later in their complete defeat.

Colonel Grant next proceeded to carry destruction into all the Cherokee towns of the middle region, as well as to the magazines and cornfields. The devastation was complete and, as the warriors of the nation fled, many of the children, women and old men were left to perish. The commander of the expedition continued this work of destruction and slaughter for the thirty days designated, and his men then returned to Fort Prince George, completely exhausted from their physical exertions and much depressed in spirits.

#### A FORCED PEACE

Soon after Colonel Grant's arrival there, Attakullakulla appeared in camp as an emissary of the Cherokees and sued for peace. The old chief was accompanied by several headmen and was furnished with a safe conduct to Charlestown, where Governor Bull was to meet them in council. His reception was far different from that accorded Oconostota by Governor Lyttleton, and the pipe of peace was exchanged between the governor and the Little Carpenter, who wielded such influence both with his own people and the whites. Peace was declared, but it would have been impossible, in view of such wholesale slaughter both by whites and the Indians, that the mutual injuries and hatreds could more than smoulder.

An after result of the campaign was the jealousy engendered between Colonel Grant, of the regulars, and Colonel Middleton, of the provincials. Private discussions were succeeded by public charges in the columns of the Gazette, which eventuated in a challenge by Colonel Middleton to settle the dispute by the code duello. The challenge was accepted; the duel was fortunately bloodless, but the insolent temper of Colonel Grant was not forgotten.

Lieutenant Governor Bull, although absolutely loyal to the king, well recognized the scant courtesy shown to provincial by royal officers, and had granted Colonel Middleton the extraordinary power of resigning his commission whenever he should please.

#### GOVERNOR BOONE ASSUMES OFFICE

Thomas Boone, who had become owner of an estate in South Carolina, succeeded William Bull as governor of the province, in December, 1761. He had served as governor of New Jersey from May, 1760, to October, 1761, although he had been appointed chief executive of the Carolina province during the previous April. The useful and accommodating William Bull had held over during several trying and critical months, so that affairs were fairly settled upon the arrival of Governor Boone in Charles Town on the 22d of December, 1761.

The usual ceremonies attended the reception of the new governor, in which the militia, the artillery, the guns of the forts and vessels in the harbor, the Council and the Commons, participated. The Indian troubles had been quieted, the people were disposed to welcome Governor Boone as a promising executive, and the commencement of a peaceful chapter seemed assured. But a bomb was soon thrown into all these fair promises by the governor himself, who, on Christmas day, shortly after his arrival, announced that his Majesty, with the advice of his Council, had disapproved the election law of 1759 under which the Assembly then sitting had been chosen, and there was nothing for him to do, therefore, but to dissolve the present Commons House and issue writs for a new Assembly.

When the new Assembly met in March, 1762, Governor Boone

made a sweeping statement that close examination of the legislation enacted in 1721 and 1759 in the matter of election laws had convinced him that a new act was absolutely necessary. The people, represented by their lower house, had experimented and studied these matters for many years, and did not patiently take such off-hand criticism and radical recommendations. Through a special committee, the Commons answered that "having fully considered the election act now in force (1759), and not knowing or having heard of any bad consequences from the method thereby directed for issuing and executing writs of elections, are of opinion that it is not necessary at this time to alter that law in these respects."

As the Commons House refused to change the election law to suit him, the governor decided to show its members how poorly the law worked. After he had prorogued the House, and a writ of election had been issued, the first member returned as elected was Christopher Gadsden, whom the church wardens of St. Paul's parish declared was entitled to a seat in the Assembly. Governor Boone refused to administer what was known as the State Oath abjuring all royal rights of the Stuarts, as he claimed the church wardens had not been sworn for service in that particular election. The Assembly, through its spokesmen, replied that the oath of the wardens when they had taken office covered their election duties, and that, as a representative body, the Assembly was the final judge as to the legal qualifications of its own members. The wardens and the House had both approved of Mr. Gadsden's election, but the governor insisted that he was right and dissolved the Assembly as a contumacious body.

The technical points involved in this dispute between Governor Boone and the Commons House of Assembly can be only barely outlined. During the ensuing winter (1762), Mr. Gadsden was again returned as a member of the new Assembly and that body continued to assert its constitutional right to be the sole judge of the validity of the election by which any of its members were returned. It further asserted that the governor's actions constituted a breach of privilege and that especially his dissolution of the Commons House was a violation of the freedom of elections and a most dangerous procedure. Again the governor insisted that he had acted within his rights, and the Commons House resolved that it "will not enter into any further business with him until his Excellency shall have done justice to the House on this important point."

Notwithstanding that several interruptions to the progress of necessary public business were occasioned by this radical action, the House persisted in its threat of non-intercourse with the governor. It laid all his communications on the table and refused to pass the bills which carried the salaries of the public officials, including his own, and even its faithful agent in London, Mr. Charles Garth, as well as all fiscal measures of whatsoever nature. There was only one serious stumbling block in the way of this policy, and that was that newly elected members must appear before the governor to take the state oath. It was also customary for two of the members of the House to accompany the new representative into the presence of the chief executive as witnesses to such procedure.

#### GADSDEN AND MOULTRIE SHOWN THE DOOR

In the midst of the dispute, and while the House was holding coldly aloof from Governor Boone, Sir John Colleton was elected to fill a vacancy in that body. William Moultrie and Christopher Gads-

den were selected to accompany him into the governor's presence. It will be remembered that Mr. Gadsden was decidedly *persona non grata* with Governor Boone, and Mr. Moultrie was also of the independent, unruly clique. The sequel was reported to the Assembly by Mr. Gadsden on September 17, 1762, to the effect that he and Mr. Moultrie had attended Sir John to see him take the oaths before the governor at his own house. Sir John, in their presence, informed his Excellency that he had taken the usual oath in the House and desired his Excellency to administer the State oaths to him. Thereupon Governor Boone was pleased to ask Mr. Gadsden and Mr. Moultrie if they had any message to deliver to him from the Assembly. Mr. Gadsden had answered that he and Mr. Moultrie attended Sir John Colleton by order of the House to see him take the State oaths. His Excellency replied that the House had no right to order any person into his dwelling house, and thereupon called his servant to open the door for Mr. Gadsden and Mr. Moultrie, at the same time taking Sir John by the sleeve and saying that if he had any business his Excellency was ready to transact it with him. Thereupon Mr. Gadsden and Mr. Moultrie bowed and retired;—they had been practically ordered out of the house.

Sir John Colleton was thereupon admitted to his seat in the Assembly on his own statement that he had taken the State oaths before the governor. Four new members were also refused to be sworn before the governor with witnesses, but finally, after the dispute had been taken to England, through the colonial agent, the governor, who had been summoned to come to England to be heard (in 1764), consented to administer the State oaths according to the custom for which the Commons House had contended. The House still refused intercourse with him, and about the middle of May, 1764, Governor Boone sailed for England, leaving behind him a clouded name, because of his disolute personal life, and a reputation for fruitless contention. When he arrived in England, he was censured by the Board of Trade and Plantations for his conduct. The Commons House was also criticised for having so long interrupted the public business. No opinion was expressed as to the constitutional merits of the controversy, which the board evidently thought it the best policy to ignore.

In the meantime, by the treaty of Paris, which went into effect in February, 1763, the various territorial contentions between France, Great Britain and Spain, in both the old and the new worlds, were temporarily quieted, with inevitable good effect upon the security of South Carolina territory and institutions. The Cherokee menace had been further removed and the Scotch-Irish came in increasing numbers from Pennsylvania and Virginia, the fertile valleys of the Congaree, Wateree, Broad and Saluda receiving valuable accessions of that desirable element.

#### VARIOUS STRAINS COMMINGLE

During the last year of Governor Boone's administration, two distinct tides of immigration from Europe met the Scotch-Irish influx from the more northern American colonies. Another colony of Huguenots from France and two ship loads of "Palatines" from Germany came to South Carolina under the direct protection of the British Crown, eventually settled in what is now Abbeville County, and it is worthy of comment that Patrick Calhoun had much to do with encouraging and protecting them in the new and comparatively wild country of upper South Carolina.

Soon after the treaty of peace at Paris, 212 persecuted French Protestants under the direction of Rev. Jean Louis Gibert left England where they had taken refuge and sought asylum in South Carolina. As the British government encouraged the project, London became the headquarters of the emigration, which Mr. Gibert directed from that point. Before the close of the year 1764 more than 200 of these French Huguenots—most of them from Guienne, some from Bordeaux—had arrived in South Carolina. They were most kindly received, spent the summer in Beaufort and in October returned to Charlestown and set out for "the back country." The provincial government supplied them with means of reaching their destination, which was the Long Canes neighborhood in the present county of Abbeville. As early as April, 1765, vineyard lots of four acres each were laid out, as well as half-acre lots within the towns designated as New Bordeaux and New Rochelle. It was planned that this colony of French Huguenots, skilled in all the industries of their native districts, should devote itself to the culture of wine and silk, but as the conditions did not assure either complete success or security in their new homes in upper South Carolina they turned rather to the cultivation of flax, Indian corn and tobacco, although the original intention was not wholly abandoned for many years, and some of the early settlers were long noted for their fine vineyards and richly-stocked wine cellars. For some time after their arrival in the Long Canes country, Patrick Calhoun, who had recently raised a company of rangers and been elected to command them, was not only the protector of these simple, industrious and religious emigrants, but their real practical friend. Their supply of provisions had proven to be too small, and there would have been keen suffering had not Captain Calhoun come to the rescue with his private stores. He was afterward repaid by the Council and by the gratitude of the strangers whom he had befriended.

The spiritual and practical leader of the original French emigrants to the Abbeville district, Rev. Jean Louis Gibert, was the grandfather of James L. Petigru, so famous in the history of the South Carolina bar. Another "pasteur" of this flock was the Rev. Pierre Botilon.

As the rebellious Assembly was holding up all money and supply measures on the "principle" of non-intercourse with the governor, nothing was accomplished in the way of forwarding the "poor German Palatine" project until Boone had departed. As soon as he left, however, and the provincial affairs fell into the hands of William Bull, the Commons House voted £500 sterling toward the settlement of the Germans in a new township which was called Londonderry. Capt. Patrick Calhoun, with a detachment of rangers, accompanied them to the locality on Hard Labor Creek, now in Abbeville County.

The arrival of some 500 German Palatines at Charlestown in April, 1764, recalled the immigration of the first Teuton-Swiss colony nearly thirty years previously as the first settlers of the Orangeburg district on the northern branch of the Edisto. The colonists of the later period had been induced to leave their native country by Stumpel a Prussian officer, who had represented that his enterprise had the backing of the British government and induced them to come to England as the place of embarkation. Their leader was unable to carry out his scheme and left those who had depended upon him entirely destitute either of funds or friends. But the Lords Commissioners of Trade and Plantations, with the assistance of public spirited citizens of London, assumed the project and sent the thankful Palatines to South Carolina. Not only was their transportation paid, but they were

supplied with provisions for the voyage and with firearms for the defence of their families and homes, when they should arrive at their destination. They bore with them a letter from the Lords stating that the Palatines had been taken under the royal protection, that they were well versed in the culture of wine and silk and that a suitable location should be provided them in Carolina where they could prosecute these industries.

## CHAPTER XIX

### BULL AGAIN TO THE RESCUE (1764-1769)

William Bull, lieutenant governor, administered the government of South Carolina from the departure of Governor Boone in May, 1764, to the arrival of the royal appointee, Lord Charles Greville Montagu, in June, 1766. His administration covered the period of the attempted enforcement of the obnoxious stamp act, and the decided opposition to the measure of many of the leaders of South Carolina's affairs, when the province joined in the first united rebellion of the American colonies against the royal assumption of what they styled taxation without representation." As an upholder of the Crown from which he drew his authority, Governor Bull was obliged to stand behind the act, but, as usual, weathered the storm until the measure was withdrawn by the powers overseas and emerged from it with popularity and character unimpaired.

The province had never been more prosperous than at the commencement of the Bull administration of 1764-66. Its white population was about 40,000, and four years later Bull was able to report 75,178 negroes on the tax list; and the trade with England in rice and indigo had become very extensive and profitable. The Indian trade had extended as far as the Mississippi, which, with the security afforded the fertile and healthful regions of the up-country, insured added prosperity to the interior districts of the province. Several of the merchants of Carolina had already become wealthy, such as the French Huguenots, Isaac Mazyck, who, in association with his father and independently, had amassed a fortune in the West India trade and in the investments of lands and plantations in and near Charlestown, and held a seat as a leader in the Commons House for more than forty years; Gabriel Manigault, said to have been the richest merchant in all the American colonies, and the owner of thousands of acres of rice lands and hundreds of slaves, and who had been a most kind master to his bonds-people, generous to his Huguenot fellow countrymen from the first to last; for years an active member of the Assembly, and a promoter of every industry and educational enterprise supported by the best thought of the people, as well as a patriot of the stanchest type even in the days when he was a patriarch entitled to rest; and Henry Laurens, whose wealth was less than the other merchants of French Huguenotic extraction, but who achieved a fame greater than either in the public affairs of Carolina, and afterward of the infant confederacy. Mr. Laurens was a fellow student of Peter Manigault, the son of Gabriel, and the two came into prominence during the controversies over the enforcement of the stamp act. After trying, by all honorable means to avert the war with Great Britain, he supported the patriot cause with vigor and extraordinary ability. His career was as varied as it was distinguished; president of the Council of Safety; vice president of South Carolina; president of the Constitutional Congress; elected minister to Holland, and, while on his way



thither, captured by the British and confined for more than a year, in the Tower of London as a prisoner of war. His last great public service was to sign, in company with Franklin, John Adams and Jay, the preliminaries of peace.

Among the other leading merchants of South Carolina when William Bull took the Carolina reins of government, in 1764, were Benjamin Smith, Miles Brewton and Andrew Rutledge. Mr. Smith had been speaker of the Commons House and the ancestors of his family were Rhode Islanders, one of its eastern members being Abigail Smith, the wife of John Adams. Miles Brewton, when the test came, could not go the length of separation from the mother country, and left South Carolina rather than assume the radical position. Andrew Rutledge, pronounced the largest retail merchant of his times, was a brother-in-law of Christopher Gadsden, and died in 1772, before the Revolution broke; so that, although he took no active part in the political and public commotions of the day, he cannot be prejudged as to what he might have done, under the inspiration of his energetic and able brother, John. Robert Pringle, Joseph Wragg and John Edwards were also merchants of note, and many of their class were planters as well;—for Mazyck, Laurens, Rutledge and others exported provisions to the West Indies, the staples rice and indigo to England or to the continent south of Finistere and brought back slaves and English manufactures.

The measure, conceived and born in the British Parliament, known as the Stamp act, "the folly of England and the ruin of America," was to go into effect November 1, 1765. There was no legal document used in the ordinary affairs of the colonists which was not to bear its share of taxation—real estate transactions, bills of sale, marriage licenses, wills and inheritance papers; playing cards, newspapers, advertisements, almanacs, etc.—all were to be taxed and stamped as that Parliament overseas had decreed for paying part of the expense of troops sent to America, without consulting the wishes of the people who claimed that in such matters they were not subject to control of Parliament. And to add to the complications, any British regulars who might be sent to protect the colonies were to be billeted upon the people—or, what amounted to the same thing, the colonial authorities had to provide barracks for British troops. The real point at issue between the South Carolina leaders of popular opinion seemed to be not whether the mother country should collect from the province for the maintenance of any royal troops sent to protect its soil, but whether in this matter, as in all others, the people should not themselves say how the taxes should be collected and distributed.

#### THE CONGRESS OF 1765

The general opposition to the act seemed to be led by New York, Massachusetts and Virginia, but when the Congress met in New York City in October, 1765, nine colonies only were represented. Shortly after the adjournment of the conference, which was held several days from the 7th to the 24th of October, 1765, nine colonies only were represented. "A Distinguished Patriot" in Garden's "Anecdotes of the American Revolution," under the title of "Ovum Reipublicæ—the Congress of 1765," has this to say of Carolina's participation in that historic gathering: "We must never forget that the parent of the Revolution, the very Ovum Reipublicæ, was the Congress which convened in New York in 1765. But nine colonies were represented, as four were overpowered by the royal party. But South Carolina beat

down the strong opposition of the Crown and was the only one, south of the Potomac, that sent a delegation. This was the achievement of General Gadsden.

"In this primeval council our members were far from being insignificant. Three committees only were appointed, and of two, the sons of Carolina were chairmen. Mr. Lynch (father of the patriot who signed the Declaration of Independence) was chairman of the one to prepare an address to the House of Commons; and John Rutledge (who was then but twenty-six years of age) of that for the House of Lords. This convention of sages was the parent-plant of our present Confederacy of Republics. Thus was South Carolina among the aboriginal founders of the Union."

#### DELEGATES TO THE CONGRESS OF 1765

Massachusetts, 3—James Otis, Oliver Partridge, Timothy Ruggles.  
Rhode Island, 2—Metcalf Bowler, Henry Ward.

Connecticut, 3—Eliphalet Dyer, David Rowland, William Samuel Johnson.

New York, 5—Robert R. Livingston, John Cruger, Philip Livingston, William Bayard, Leonard Lispenard.

New Jersey, 3—Robert Ogden, Hendrick Fisher, Joseph Borden.

Pennsylvania, 3—John Dickenson, John Morton, George Bryan.

Delaware, 3—Jacob Kollock, Thomas McKean, Caesar Rodney.

Maryland, 3—William Murdock, Edward Tilghman, Thomas Ringgold.

South Carolina, 3—Thomas Lynch, Christopher Gadsden, John Rutledge.

Nine colonies and twenty-eight delegates.

#### EXTRACTS FROM THE OFFICIAL JOURNAL OF THE CONGRESS

Met in New York, on Monday, 7th October, 1765. After having examined and admitted the certificates of appointment of the above members, the said committees proceeded to choose a chairman by ballot; and Timothy Ruggles, Esq., of Massachusetts, on sorting and counting the votes, appeared to have a majority and thereupon was placed in the chair. \* \* \*

After meeting regularly every day, with the exception of the Sabbath, they concurred in a declaration of the rights and grievances of America and appointed the following committee, on Saturday, 19th of October, 1765:

Upon motion, voted that Robert R. Livingston of New York, William Samuel Johnson and William Murdock, Esq's., be a committee to prepare an address to his Majesty and lay the same before the Congress on Monday next.

Voted also, that John Rutledge of South Carolina, Edward Tilghman and Philip Livingston, Esq's., be a committee to prepare a memorial and petition to the Lords in Parliament and lay the same before the Congress on Monday next.

Voted also, that Thomas Lynch of South Carolina, James Otis and Thomas McKean, Esq's., be a committee to prepare a petition to the House of Commons of Great Britain and lay the same before Congress on Monday night.

After having attended daily, the last meeting was held on Thursday, 24th October, 1765. Voted unanimously that the clerk of this

Congress sign the minutes of their proceedings and deliver a copy for the use of each colony and province.

"Having fulfilled the high duties with which they had been entrusted they adjourned, and prepared for those scenes in which many of them acted with such elevation, and which ended in the establishment of the happiest nation and noblest republic on earth."

Previous to the appointment of Messrs. Lynch, Gadsden and Rutledge by the South Carolina Assembly to represent the Congress which met in New York, the lower house had had its set-to with Lieutenant Governor Bull and declared its stand as a body. It was declared that as the profits of the large Carolina trade ultimately centered in Great Britain, the mother country received a large contribution for the support of the Crown; further, as the people already contributed even more than their share of the general taxes for the support of his Majesty's government, the additional taxes were unreasonable.

#### TUMULTS OVER THE STAMP ACT

While the South Carolina delegates were absent in New York, the people and government of South Carolina were having a merry time over the stamp act. The revolutionists got upon several false scents, and the royalists insisted that the measure would be enforced, if the stamps arrived, until it was repealed. The excitement which, at times, merged into tumult, commenced on the 18th of October, 1765, while the Congress was sitting in New York, when a ship arrived from London and anchored under the guns of Fort Johnson. It was believed that stamps, stamped paper and a stamp officer were aboard; in short, that the whole stamp outfit was there. Early on the following morning, an effigy appeared at the corner of Broad and Church streets suspended on a gallows, representing a stamp distributor, appropriately labeled by the champions of liberty, and attached to the principal figure the legend: "Whoever shall dare attempt to pull down these effigies had better been born with a millstone about his neck and be cast into the sea."

Figures thus expressive of the sentiment of the people remained undisturbed until taken down by their originators and drawn in a cart to the house of a certain George Saxby, who had been to England and, as was surmised, had brought some stamps with him to distribute. His residence was rummaged; but none were found. Then the bells of St. Michael's solemnly rang and "American Liberty" was buried in a coffin. Caleb Lloyd, the commandant of Fort Johnson, was charged with having received stamps to distribute, but denied it; and the house of one William Coats was entered on the same errand, with no more tangible results.

Four days afterwards, a crowd entered the grounds of Col. Henry Laurens, who resided at Ansonboro, and demanded that the proprietor produce the stamps concealed on his premises. He pledged his word that he had none in his house, and begged them, on account of his wife's delicate health, not to enter. After threatening him with cutlasses, some of the intruders were called by name to desist, and fearing that they would be punished, they withdrew to Laurens's out-buildings and rifled his wine cellar.

Their next visit was to the residence of Charles Shinner, who had been chief justice since 1762 and lived in King Street. He gave them all the punch they wanted and the Irish judge and rioters drank to the toast "Damnation to the Stamp Act!" To prevent further searches and individual inconveniences, on the following day a notice was pub-

licly posted by Lieutenant Governor Bull stating that "the stamps lately arrived were lodged in Fort Johnson till it should be necessary to remove them thence."

Mr. Lloyd, the commandant, soon afterward made a voluntary offer to suspend the execution of his office of stamp distributor until the determination of king and Parliament, and in this Mr. Saxby joined. The local opponents of the act then rejoiced exceedingly, proclaiming their state of mind through the unmingled pealing of St. Michael's bells. On Monday Messrs. Saxby and Lloyd were led to Dillon's tavern, where a large concourse of citizens refreshed themselves and acclaimed them as champions of the people's rights in thus suspending the functions of their distasteful office until the final determination of the king and the British Parliament should become known.

#### GAZETTE AND COURTS SUSPEND

The Gazette of October 31st announced that "tomorrow being the 1st of November when the act is to go into operation, most of the business in public offices will cease, and from this day the publication of the South Carolina Gazette will also be suspended, it being impossible to continue it without great loss to the printer when the numerous subscribers thereto have signified, almost to a man, that they will not take one stamped newspaper, if stamps could be obtained." The publication accordingly ceased and was not resumed until the repeal of the act.

As the stamp distributors had refused to act, pending final action by the British authorities, Chief Justice Shinner also was obliged to adjourn his court, as none of the papers which he should issue would be legal. He first ordered an adjournment until December 3d, and thereafter until March 4, 1766. Court then opened, but the stamps were still not to be obtained. Protests from merchants and others followed, on account of the inconvenience occasioned by the continued inactivity of the courts, and an attempt was made to again start the judicial machinery by Lowndes, Smith and d'Oyley, associate justices, taking seats on the bench. This too was ineffectual, as Dougal Campbell, the clerk, objected—and so further proceedings were impossible.

In the meantime (July, 1765) the Grenville ministry, author of the Stamp act, had fallen, and the new secretary of state, who had succeeded the lords of trade and plantations in the supervision of colonial affairs, had been one of its persistent opponents. A much greater man than he had also bitterly opposed it from the first—William Pitt, the eloquent leader of the British House of Commons. In November, 1765, the South Carolina Assembly had received the report of its delegation to the Congress of the nine colonies, and had formally endorsed the action of the central body. Only one vote was cast against it, William Wragg, who had been educated in England and refused the chief justiceship of the province a few years before, standing now, as always, as a stanch friend and champion of the king. Peter Manigault, the speaker, signed the memorial to the British Parliament, announcing the attitude of Carolina and petitioning for a repeal of the Stamp act, and it was at once forwarded to the provincial agent, Charles Garth.

#### REPEAL OF STAMP ACT

Such opposition, both in Carolina and in the mother country, had the ultimate effect of bringing about the repeal of the measure which

had so signally solidified the rising spirit of independence in the American colonies. News of the repeal reached Charlestown May 6, 1766, and the event was celebrated by bonfires, bell-rings and every other demonstration of widespread joy known to the times. At the request of the Assembly, the heroes of the occasion, Messrs. Lynch, Gadsden and Rutledge, agreed to sit for full-length portraits, and the popular branch also voted for a statue of William Pitt, their great good champion "over there." Representative Wragg, solitary but faithful to his king, moved to insert the name of his Majesty, George the Third, in place of the Right Honorable William Pitt, but received no second to his motion. But to show that it bore no ill feeling toward the king, the Commons House sent a loyal address to him, and a few days afterwards celebrated his birthday with as many public marks of felicitation as had been displayed over the repeal of the Stamp act.

#### ARRIVAL OF GOVERNOR MONTAGU AND FAMILY

On the 17th of June, two weeks later, Lord Charles Greville Montagu, with his lady, arrived at Charlestown from England. assumed control and took the government of South Carolina from the steady and capable hands of Lieutenant Governor Bull. He was a younger son of the Duke of Manchester, was then in his twenty-fifth year and but recently married. There was more rejoicing, a reception by the militia, the lieutenant governor, the Council, the Assembly and everybody else representative of the authority of South Carolina. The Charlestown Library Association, the leading merchants and the clergy both of the Established Churches and the Presbytery of the province, all hastened to do honor to the new governor and the young lord and lady.

But blunt, honest, energetic and able Christopher Gadsden, with a following of workmen led by William Johnson, the blacksmith, was in favor of uncompromising measures only. They scented outright revolution in the near future; and why timidly delay the inevitable? The declaration of rights made by the South Carolina Assembly and the Congress of the nine colonies meant more to them than the repeal of the Stamp act. That was merely an incident demonstrating the growing power of the people and its menace to royal and foreign control of the people's interests.

Johnson had come from New York, an intelligent honorable artisan of means. On a day when these various propagandist meetings were under way Mr. Johnson gathered a few of his friends under a big oak tree, in the center of a square in Hampstead, bounded by Charlotte, Washington, Calhoun and Alexander streets, and which was then one of the suburbs of Charlestown. They earnestly discussed the aggressions of the mother country and, like other brave and honest men before and after their day, brought up against the query—"If eventually, why not now?" In after years, the shade in which this initial revolutionary meeting was held covered the deliberations of so many other radical political gatherings and it was known as the "Liberty Tree."

In the fall following the repeal of the Stamp act, Christopher Gadsden addressed a large gathering at the Liberty Tree, warning his hearers against the folly of believing that Great Britain would ever withdraw her claims to dominion over their affairs; in fact, the very preamble of the repealing act reasserted that claim. They should prepare their mind for the event—the Revolution; for "absolute independence or a state approaching to a confederation." It is said that the

address was received with silent and profound attention, and with linked hands the following pledged themselves to resist in every possible way: Christopher Gadsden, William Johnson, Joseph Verree, John Fullerton, James Brown, Nathaniel Leiby, George Flagg, Thomas Coleman, John Hall, William Field, John Lawton, Uz Rogers, John Calvert, Henry Bookless, J. Barlow, Tunis Tebout, Peter Munclear, William Trusler, Robert Howard, Alexander Alexander, Edward Weyman, Thomas Searl, William Laughton, Daniel Cannon and Benjamin Hawes.\*

Gadsden's declaration that Great Britain had by no means completed her designs, as partially expressed in the Stamp act, was illustrated a few months afterward, when Townshend again came into power and Parliament passed an act levying a duty on glass, red lead, white paint, painter's colors, tea and paper, all of which were largely imported into South Carolina;—the money to be used to pay the salaries of royal colonial officers.

While these matters were gaining momentum and which were to be finally handled by the ever-ready lieutenant governor, the ostensible executive of the province was absent, with his lady, in Philadelphia and the North. They left the province on the 23d of May, 1768, and returned on the 30th of the following November. The published reason for his trip was a search for more vigorous health in the more northern country, but it is believed that politics had more to do with his journey—especially the need of personal consultation with the governors of Massachusetts and Virginia, as to how to put down the leaders in the looming Revolution.

During the early portion of the year, in February and April, respectively, the assemblies of the colonies mentioned had adopted resolutions reaffirming the exclusive right of American legislatures to levy taxes upon their own peoples, and the Virginia House of Burgesses had directed their speaker to write to all the other American assemblies, notifying them of their proceedings and inviting cooperation in the defence of the popular rights and liberties.

#### VIRGINIA'S GENERAL APPEAL

Two weeks before Governor Montagu left Charles Town for Philadelphia, Speaker Manigault, of the South Carolina Commons House, had received a letter from Speaker Randolph, of the Virginia House of Burgesses, expressive of the respectful but firm attitude of the colony toward the government of Great Britain, finally expressing the hope that "by a hearty union of the colonies, the constitution might again be established in its genuine principles."

Massachusetts had addressed a circular letter of similar tenor, but addressed mainly to the New England colonies, earlier in the year, but although it does not seem to have made such an impression upon the leaders of public opinion in South Carolina as that issued by the Virginia House, it stirred the British authorities like the sound of a trumpet. When it reached England in April, 1768, the Earl of Hillsborough, secretary for the colonies, immediately dispatched a copy of it to the twelve other colonies with an order to dissolve any assemblies which should countenance that "seditious paper," and specifically to Governor Bernard, of Massachusetts: "You will therefore require the House of Representatives in his Majesty's name to rescind the

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\* Dr. Joseph Johnson's "Traditions and Reminiscences of the American Revolution in the South."

resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of that rash and hasty proceeding."

The letter of the colonial secretary arrived when Boston was much perturbed over the arrival of two regiments of British regulars and seven sloops of war, designed to strengthen the royal cause, and the seizure of John Hancock's sloop *Liberty* for false returns in making entry of its cargo of Madeira wines. Although the vessel was removed from the wharf under the guns of a man-of-war, the custom-house officers were mobbed and driven first to a British ship and then to the military barracks.

Sympathetic replies to the Massachusetts letter had been received from Connecticut and New Jersey, but Virginia's whole-hearted response and action had put additional life into the whole Union. Samuel Adams, speaking for the Assembly of Massachusetts, replied in a letter to Lord Hillsborough, that the circular letter of February was the sense of a large majority of that body, and that it was not lacking in respect to either the king or the British constitution. The vote taken on the question of rescinding that action resulted in ninety-two as against, to seventeen in favor of it. Governor Bernard therefore prorogued and then dissolved the Assembly.

It was at this critical period in the affairs of Massachusetts and the cause of American liberty that Governor Montagu was absent on his northern trip, and that the speaker of the South Carolina Assembly was exchanging felicitations with Thomas Cushing, of the House of Representatives of the Old Bay Colony. In April, 1768, the Carolina Committee of Correspondence had been ordered to write to Charles Garth, the provincial agent, instructing him to join with similar agents in Great Britain in the furtherance of all interests which concerned North America. In July, Speaker Manigault, of the Commons House, had notified Speaker Cushing, of Massachusetts, and Peyton Randolph, of the Virginia House of Burgesses, to that effect.

#### NEW ELECTION BY CAUCUS

The election for new members of the Carolina Assembly in October, 1768, caused little interest, and some of the parishes, such as Prince William and St. Helena, failed to return any members whatever, while a little gathering of substantial men under the Liberty Tree elected three representatives for St. Philip's and two, for St. Michael's parish. Christopher Gadsden was returned as a representative of St. Philip's, while Henry Laurens and Charles Pinckney, whose names had been suggested, failed of a nomination.

On the testimony of the Gazette, this matter being settled without the least animosity or irregularity, the company partook of a plain and hearty entertainment, provided, it seems, by some of the candidates. About five o'clock they adjourned to the Liberty Tree, described as "a most noble oak in Mr. Mazyck's pasture, which they had formerly dedicated to liberty." There, many loyal, patriotic and constitutional toasts were drunk beginning with "the glorious ninety-two anti-rescindors of Massachusetts Bay," and ending with "Unanimity among the members of the ensuing Assembly not to rescind from the said resolution."

#### JOHN WILKES AND "FORTY-FIVE"

The notorious John Wilkes, the popular champion of liberty in England, who had been outlawed from his native land for his attack

upon King George and the royal prerogatives, in paper No. 45, of his magazine, the North Briton, was also a hero of the Revolutionists of Carolina. Therefore, on the evening of the first of October following the nominating caucus held by the mechanics, Liberty Tree was decorated with forty-five lights and forty-five rockets were fired. Then the entire company, preceded by forty-five of their number carrying as many lights, marched in regular procession to town, down King's Street to Broad and Dillon's tavern, where forty-five lights were placed on the table, with forty-five bowls of punch, forty-five bottles of wine and ninety-two glasses. Amidst these bibulous surroundings the party spent some hours in a continuous round of toasts, from which, the Gazette assures its readers, scarce a celebrated patriot of Britain or America was omitted. Verily "there were giants in those days!"

Ultimately, the mechanics failed to exclude Messrs. Laurens and Pinckney from the Assembly, but, with the general support of all elements, returned Mr. Gadsden. Again, on the evening of the election, they marched in procession to Stephen's coffee house, and thence, with ninety-two lights to Mr. Dillon's, where they drank to "unshaken loyalty, and the love of liberty consistent with it, and to abhorrence of oppression and oppressors." In other words, Liberty and the King, if possible; but Liberty in any event.

William Wragg, whose personal popularity was great, had been elected by St. John's parish, Colleton, but he declined to serve, doubtless feeling that his seat would not be comfortable in view of his lonely support of the royal cause.

#### GOVERNOR MONTAGU RETURNS TO THE FRAY

Governor Montagu returned from his northern trip on the 30th of October, 1768, about two weeks before the Assembly was to meet, as prorogued by Lieutenant Governor Bull. It reassembled at the statehouse in Charlestown, on the 16th of November and unanimously chose Peter Manigault speaker to succeed himself. His Excellency's address showed that he had laid out his course of action, during his vacation, as he advised the Commons House to treat with contempt any communication advising sedition or opposition to the authority of the British Parliament or his Majesty.

The governor's speech was referred to a special committee comprising Messrs. Parsons, Gadsden, Laurens, Pinckney, Rutledge, Lloyd, Elliot, Lynch and Dart, through whom and Speaker Manigault the facts as to the reception of the circular letters from Massachusetts and Virginia, with the Assembly's instructions to Mr. Garth, its agent abroad, were frankly stated to the House and his Excellency. At the same time, Mr. Parsons, the spokesman of the Assembly, denied that they had even received any seditious paper, and that should any such appear they would treat it with the contempt it deserved. Resolutions anent the letters from Massachusetts and Virginia and embodying these sentiments and facts, were adopted by the twenty-six of the fifty-five members then present, who largely represented the parishes dominated by Charlestown. After some further negotiations between the governor and the special committee of the Assembly, the latter was dissolved, and in January, 1769, Mr. Manigault, the speaker, under instructions, sent the House journals to the speakers of Massachusetts and Virginia, with his brief comments, that it might be seen how Carolina had carried out the spirit of their agreement.

At the election for members of the new Assembly, held in March, 1768, the twenty-six members who were present to support the bold



but conservative action of the lower house in cooperation with Massachusetts and Virginia, were again elected. On the 11th of that month, on the first annual anniversary of the repeal of the Stamp act, the mechanics again marched in procession to Mr. Dillon's famous tavern—upon this latter occasion, to the illumination of twenty-six lights. There they were joined by Speaker Manigault and several of the newly elected representatives, with a number of \* Masons who were also celebrating the founding of their lodge, and the joint celebration was a great occasion. Toasts were drank to the Virginia and Massachusetts Assemblies, the Glorious Ninety-six and Twenty-six, a Perpetual Union upon Constitutional Terms, and what-not—that told the story of the birth of American Liberty.

#### CIRCUIT COURT ACT OF 1769

When the Assembly met in June, 1768, Governor Montagu, who had made a tour of the up-country, urged that several measures be enacted for the relief of the people of that section of Carolina. Especially did he dwell upon the grievous condition of affairs in "the back country" due to the lack of courts. At the same time, he informed the House that the Circuit Court act had been disapproved in England and laid before that body the report of the Board of Trade, explaining the royal disapproval.

A special committee of the Assembly, which had been appointed to consider the question, reported in July that a bill should be brought in similar to the other measure, but without the objectionable stipulation in regard to judges holding office during good behavior. Such a measure was at once passed through both houses and sent up to the governor. He refused to ratify it on the ground that only one of the objections of the Board of Trade had been disposed of. A new bill was introduced, enacted into a law on July 29th and was carried to England by the governor himself. It was afterward approved by the Board of Trade and by the king. The law proved some measure of relief to the people of the up-country, as will be hereafter evident, although its operations were slow and vexatious.

#### ACT BRINGS UP- AND LOW-COUNTRY TOGETHER

As stated by Dr. D. D. Wallace in his "Constitutional History of South Carolina," the Circuit Court act of 1769 divided the province into seven districts, in each of which the Common Pleas and General Sessions were held twice a year, except in Charlestown, where they were held three times. Each district had its own sheriff, a resident within its bounds, who was appointed by the judges. Under the permission granted the judges to make reasonable rules, they divided the six districts out of Charlestown into two circuits and apportioned them among themselves. Camden, Cheraws and Georgetown were called the northern circuit; Orangeburg, Ninety-six and Beaufort, the southern. Two judges rode each circuit; often two sat on the same bench.

All seven courts were of like jurisdiction and power. Yet a distinction was given to that in the capital. In civil cases, all writs and processes issued from, and were returnable to the Court of Common Pleas in Charlestown through the sheriff of the district concerned, and all proceedings were conducted in that court until issue was joined.

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\* Charles Town was the prime seat of Masonry in the United States.

The actual trying of the case was then conducted in the district in which it arose. In 1769 this promised to be convenient for the judges and, moreover, the fees poured into Charlestown. The practice was found to be such a hardship that in 1789 it was abolished and every court was given complete control of its own writs and process.

The importance of the act of 1769 was threefold. First, it was the greatest step that had ever been taken for the elevation of the back country. Almost immediately, the lieutenant governor wrote to England that a wonderful improvement had been wrought in the life of the people. Second, it drew the up-country and the low-country together. Lawyers and judges returning from the first circuit expressed themselves amazed at what they had learned of these up-country men, who, they said, with proper advantages, would make as fine a population as any upon earth. Third, it was really the first governmental organization of that larger part of the province outside the old parishes. The seven judicial districts were the basis of all larger subdivisions. Thus this measure was the parent of all administration of government in the greater part of South Carolina; and when, in the fulfilment of an ideal republicanism, a politically educated people manage the whole of their local affairs in townships, the complete system must look back to the act of 1769 as its first ancestor.

#### LIBERAL MEASURES OF BRITISH PARLIAMENT

In his speech to the Assembly of June, 1769, Governor Montagu also referred to the liberal bounty granted by the British Parliament on \* raw silks imported from Carolina into the port of London, as a special encouragement to the industries of the French Huguenots settled in the Abbeville district. He spoke of the lifting of the duty on raw hides imported from any of the British plantations to America, and the advantage to the large rice interests of the province on account of the liberal measures by which the grain could be exported to any part of America south of Georgia. At the same time, his Excellency conveyed the message that his Majesty was not disposed to longer discontinue the sittings of the House because of its "late intemperate resolutions," and that he (the governor) had therefore taken the earliest opportunity to call its representatives together for the necessary dispatch of the public business.

But the Commons House did not propose to have a lesson read to its members without an adequate reply. Its spirited answer was to the effect that its former position and adopted resolutions were still considered as quite constitutional, while the discontinuance of the sittings of the General Assembly violated the election law of 1721 and long-continued custom and usage. The members did not believe that his Excellency intended to infringe upon their rights, and hoped that he would not repeat such actions. It was a polite and sharp criticism of his conduct throughout. The House despaired, on the other hand, of being more temperate or prudent in the future than the last House had been, promised to accomplish everything possible to meet the wants of the up-country people, and assured his Excellency that they would make ample provision for the payment of the public debt.

It is said that the reason the governor did not sharply respond to this sharp response was because he was not well and also had a request

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\* There were silk-winding factories in South Carolina as early as 1738-39. No doubt there were instances in which individuals made silk cloth for their own private use, but probably no silk factories in the modern sense,—British prohibition was against it.

to make of the Assembly, as to the receipt of which he was very much in doubt, with a premonition that it would not be favorable. The governor's request grew from an order issued by General Gage, then commanding the British troops in America, who was about to send other regulars to Charlestown. A regiment of those who had been quartered on the people for the ostensible protection of the frontier had already been withdrawn, and it had been the hope of the Carolinians that that movement was the commencement of the complete riddance of these reminders of royal surveillance.

#### ASSEMBLY REFUSES TO BILLET THE KING'S TROOPS

When General Gage's order was therefore transmitted through Governor Montagu, with the request that the provincial authorities provide the expected troops with sufficient barracks and other necessary support until the next spring, the Assembly referred the matter to a special committee, which reported on the 1st of July through Captain Gadsden. It asked the governor to inform the House whether the troops then in the province were to garrison the frontier forts. Governor Montagu avoided the question, but conveyed the additional information that General Gage had been apprehensive that the barracks at St. Augustine would not be large enough to accommodate the forces designated for that point, and begged as a special favor that Carolina would provide quarters for such as the commander at St. Augustine could not "put under cover." The entire matter was quietly ignored, and even on the 27th of July, on the eve of his departure for England, when the governor inquired what disposition had been made of the request from the commander of all his Majesty's troops in America, he was informed that the Assembly had been so busy considering the pressing needs of the up-country in the matter of deficient court accommodations that the question of billeting the king's soldiers on Carolina folk had not been considered.

## CHAPTER XX

### BULL'S FOURTH ADMINISTRATION (1769-1771)

The Assembly made the customary address to Departing Governor Montagu, as if his entire administration had been the pink of satisfaction. He returned thanks for those words of kindness and on the 29th of July, 1769, sailed for England, again leaving the government of South Carolina in the capable hands of William Bull.

To the lieutenant governor came the report from the special committee to the effect that it was clearly evident from General Gage's letter that the new troops were not to do garrison duty, but eventually to be stationed at St. Augustine, and that the British Parliament had already provided a fund by taxes levied in the colonies from which the expenses incurred in the quartering of the troops mentioned should be met. The report was adopted by the Assembly on the 16th of August, and the lieutenant governor was informed that no provision would be made for the quartering of the king's troops at the expense of South Carolina. With that decisive action, went the assurance of continued loyalty, conditioned upon the repeal of the unconstitutional acts of which complaint had been made. About three weeks after, on the 5th of September, his Majesty's Thirty-First Regiment, which had caused all the controversy, embarked for Florida.

On the day following the notice to the lieutenant governor that the king's troops could not be billeted on the people of South Carolina, the Assembly was presented with the famous Virginia resolutions, and a few days afterward unanimously adopted them.

These resolutions declared that the sole right of imposing taxes on the inhabitants of Virginia was legally and constitutionally vested in the House of Burgesses; denounced the application of an obsolescent statute 35 Henry VIII, that persons accused of treason in the colonies should be tried in England, and claimed that all persons accused of crime in the colony should be tried by a jury of their neighbors. The resolutions had been sent to every Assembly in America and were prophetic of the Declaration of Independence. The South Carolina House of this session also placed itself squarely in the patriot class by taking another and more conclusive vote on the action of the Massachusetts' House in refusing to rescind its circular letter. In this second showing, thirty-seven of the forty-one members who had qualified supported Massachusetts.

Led by Massachusetts and New York, the resistance to the new taxes levied by Great Britain on certain colonial imports, under the name of the Revenue acts, took the form of a boycott in the guise of non-importation agreements. The northern colonies had adopted resolutions along these lines and the policy was supported by their merchants and the people generally.

The first step by which South Carolina entered the general pact was taken by the mechanics of Charlestown. On June 29, 1769, they met under the Liberty Tree and the merchants of the city assembled

at Dillon's tavern. Both meetings adopted an agreement to "encourage and promote to the utmost of our power the use of North American manufactures in general, and those of this province in particular." That the people would import no goods from Great Britain other than "negro cloths, dussil blankets, osnabrugs, plantation and workmen's tools, powder, lead, shot, canvas, nails, salt, wool cards, card ware, coals, printed books and pamphlets," other than such as may have been shipped in consequence of former orders. They also pledged themselves to "use the utmost economy in their persons, families, houses and furniture; particularly, that they would use no mourning nor give gloves and scarfs at funerals." Any resident of the colony who should not sign the agreement within a month from its date should be boycotted absolutely; no one should either sell to him or purchase from him.

#### WILLIAM WRAGG AND WILLIAM H. DRAYTON

The South Carolina Gazette became the medium for the airing of the whole matter; and the non-importation agreement was not without its opponents, the most prominent of whom were William Wragg and William Henry Drayton. Mr. Wragg has already been introduced in this narrative, his loyalty to the king having been again rewarded by his appointment as a member of the Council. Mr. Drayton, a young man born near Charlestown and thoroughly educated in England, had married an amiable lady of fortune, and his opposition to the agreement and general support of the crown were attributed by the revolutionists to the fact of such association and natural prejudices. Mr. Drayton, on his part, represented that he would not subject his sentiments to any "vain demagogue," this phrase referring to Christopher Gadsden, who was also characterized by other even harsher terms. This attack of "Freemen" was long and fierce, and Mr. Gadsden replied in the same vein, adding contempt and charges of falsehood to the venom of his thrusts.

\* The amenities of journalism were thrown to the winds. "C. G." thus opens one of his letters to the Gazette: "What pity it is that the mamma of that pretty child, which transmitted you the paper signed Freeman, had not now and then whipt it for lying." "Freeman" in his reply accuses his opponent of being "shopkeeper, soldier, farmer, statesman, scribbler and buffoon—a mere pretender to wit," and recommends "the study of the English grammar and classicks to Christopher G. Esq."

"That bookful blockhead ignorantly read,  
With loads of learned lumber in his head,  
Who with his tongue still edifies his ears,  
And always listning to himself appears."

And so the fencing and furious fighting continued!

In September, another and larger meeting was held under the Liberty Tree, and it was determined that the subscription paper for signatures to the amended and extended agreement should be closed on the 7th of that month. On the 14th the Gazette announced that in the whole town there were but twenty-one non-subscribers, exclusive of crown officers and that, agreeable to resolution, the names of these had been made public. In that list were, of course, the names of

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\* See "The Letters of Freeman, etc." published by Wm. Henry Drayton in London in January, 1770, in which he republishes, from the Gazette, a number of letters by Christopher Gadsden, John Mackenzie, William Wragg and himself.

Messrs. Wragg and Drayton, who asserted, in public print, that they were proud to be thus enrolled and gave their reasons for thus stating.

#### CHARLES C. PINCKNEY AND PATRICK CALHOUN

On the 23d of November, 1769, the General Assembly again convened, and a week later Charles Cotesworth Pinckney and Patrick Calhoun took their seats therein. Mr. Pinckney was one of that noteworthy group of young and educated men, who was afterward to give South Carolina standing in the ranks of American colonies who were acknowledged leaders of national opinion and reforms. He had just returned from England (as a British barrister) whither his father, former chief justice, had sent him for his education, and had been returned from St. John's, Colleton, the parish that had been represented by William Wragg.

Mr. Calhoun, besides being the father of Carolina's greatest son, himself represented the first of the Scotch-Irish emigrants of the up-country to sit in the legislative halls of the province. He was the advance courier of a brilliant group.

After making vigorous protests in the Gazette against the unjust and unconstitutional boycott which had been directed at him, Mr. Drayton sailed for England in January, 1770. Mr. Wragg had also given up the fight and retired to his barony, both evidently waiting for a vindication in other and different times.

The General Assembly had donated funds for the support of John Wilkes, in imprisonment and exile, and when the British champion of the common cause was released in April, 1770, there was much rejoicing. There were about 100 members of Club No. 45, and they were particularly jubilant.

#### COLLAPSING OF THE AGREEMENT

During the following May and June, non-importation matters were threshed over at various meetings held under the Liberty Tree, Christopher Gadsden, Charles Pinckney and Henry Laurens being usually called upon to preside. The general committee which was to see to the enforcement of the agreement in South Carolina was charged, in several instances, with partiality and with a tendency to ignore news which would seem to point to defections in the colonial ranks of the non-importers. First Massachusetts and then Rhode Island and Georgia were charged with having broken the agreement and imported British goods. Finally at a meeting held on the 27th of June, under the chairmanship of Charles Pinckney, it was resolved that South Carolina cease to have dealings with either Rhode Island or Georgia. The feeling against the southern neighbor seemed especially bitter, and all intercourse was forbidden with Georgia after two weeks from that date. The committee was instructed to give the earliest notice of the passage of these resolutions to all the northern colonies and recommend that they adopt the same in regard to Georgia to the fullest extent.

#### PITT'S STATUE INSTALLED AT CHARLESTOWN

On the 31st of May, 1770, several months before the final collapse of the non-importation agreement as an American measure, there occurred an event which re-inspired to a white heat the love of liberty in the minds and hearts of the people of South Carolina. It was the reception of the statue of William Pitt, which was landed at Charles-

town and drawn by hand accompanied by music and a large crowd of citizens to its destined resting place, at the intersection of Broad and Meeting streets. The vessels in the harbor were alive with fluttering flags, and St. Michael's bells would have lustily pealed, had not Isaac Mazyck, the great and honored merchant, been extremely ill at his home near the church.

The statue was placed on its pedestal on the 5th of July. The reader of this story need not be told why the staff which carried the flag inscribed with "Pitt and Liberty" was forty-five feet high, and why the exercises were carried on by groups of the Forty-five Club,



THE PITT MEMORIAL, CHARLESTOWN

twenty-six and ninety-two in number; or why twenty-six members of the Assembly ascended the stage to accompany Speaker Manigault. The gentleman named then proclaimed the inscription upon the pedestal, as follows: "In grateful memory of his services to his country in general and to America in particular, the Commons House of Assembly of South Carolina unanimously voted this statue of the Right Hon. William Pitt, Esq., who gloriously exerted himself in defending the freedom of America. The true sons of England, by promoting a repeal of the Stamp act in the year 1766. Time will sooner destroy this mark of their esteem than erase from their minds their just sense of his patriotic virtue." Then Lord Chatham's health was drunk and twenty-six cannon were discharged by the artillery. In the evening, Club No. 45 met at Dillon's tavern and forty-five toasts were drunk

at the banquet which followed. So the various changes were rung on 45, 26 and 92.

#### DISSOLUTION OF NON-IMPORTATION AGREEMENT

In the meantime, although the general committee of the non-importation agreement had kept the merchants of Charles Town and the province quite closely to the line, the merchants of New York and Philadelphia had back-slidden; had found it impossible to maintain the blockade. The Bostonians, however, indignantly repudiated their action.

Princeton students had burned the letter of the New York merchants by the hands of the hangman. South Carolinians regarded the defection with disdainful anger; but, in the circumstances, it was evident that South Carolina must take a definite stand.

On the 13th of December, 1770, a meeting was held, at which Henry Laurens presided, the question being whether South Carolina should adhere to the agreement formulated July 22, 1769, by which specified articles of import were to be excluded from Great Britain, negroes being included in the list. Should South Carolina stand alone, in view of the desertion of the northern colonies, and, if so, what should be her stand? At length it was tacitly determined to abandon the resolutions named, but another agreement was formulated by which it was resolved to encourage provincial manufactures and home tradesmen; refuse to import tea or British goods while the present duties remained; to restrict the importation of articles of luxury from England, and to direct that goods imported contrary to the general resolutions and put into store be re-delivered to the several proprietors.

All these matters were placed in the hands of a new association to be formed for preserving the rights and liberties of America, and John Rutledge, Peter Manigault, Charles Pinckney and John McKenzie, were appointed a committee to draw a protest, in behalf of the people of South Carolina, against the conduct of the northern colonies. Nothing is on record to show that any such protest was drawn; and Carolina historians have generally concluded that the non-importation agreement, as it affected the province, gradually dissolved after the meeting of December 13, 1770.

Much friction, extending over several months, occurred between the Commons House and the lieutenant governor and the Council, over the appropriation of £10,500 currency for the "support of the just and constitutional rights of Great Britain and America," but which was generally understood to have been drawn from the public treasury for the relief of John Wilkes. The Council rejected the tax bill and in January, 1771, Lieutenant Governor Bull prorogued the Assembly. The old fight was again under way as to the right of the upper house to sit in judgment on the fiscal measures of the lower body. "The consequence was," concludes McCrady, "that all tax bills from August, 1770, were rejected by Council, and not a public debt provided for, from the commencement of this dispute, on the 8th of December, 1769, until just before the breaking out of the Revolution in 1774, when, as we shall see, certificates were issued by the Commons without the consent of either governor or Council."



## CHAPTER XXI

### MONTAGU AND BULL (FIFTH) ADMINISTRATIONS (1771-1775)

When Governor Montagu returned to Carolina, on September 15, 1771, to again receive the government from Lieutenant Governor Bull, the non-importation tangle had been unraveled, but the quarrels were still alive regarding the control of the purse strings of the province. His Excellency promptly incurred the displeasure of the people by spurning the accommodations which Charlestown could furnish himself and lady and taking up his residence at Fort Johnson. It was even rumored that a castle was to be built there at the expense of the British Parliament.

Then the Commons House again showed its teeth by throwing the provincial treasurers in jail for refusing to honor a draft upon them for £300 currency, which it had voted to the committee on silk manufacturers without the concurrence of the Council. Two months after his arrival, the governor dissolved the independent Assembly, and a new election was ordered.

The new House, which met in April, 1772, contained all the revolutionists, who promptly reelected Peter Manigault speaker. The governor sent in his message criticizing the Assembly of the previous session for their recalcitrance in disposing of public money independently; the new Commons House held to the former contention and the Assembly was again dissolved. His Excellency then conceived the idea of counteracting the influence of the Charlestown mechanics by removing the seat of the Assembly to Beaufort. The governor's published reason for the move was that he could not obtain a suitable residence in Charlestown. Lieutenant Governor Bull strongly advised against the removal of the seat of government, which had never occurred except under such extraordinary circumstances as attended the dangers of pestilence or war.

To the governor's surprise, and doubtless disappointment, there was an unusually large attendance of assemblymen at the new seat of government, seventy-five miles from Charlestown, the hot-bed of revolution. By noon of October 8, 1772, thirty-four of the representatives had taken the required oaths in the Beaufort courthouse and had again elected Peter Manigault speaker. Every member of the Assembly was present but five, and they were accounted for in a satisfactory manner. As the governor had lost his point, he delayed a couple of days in his reception of the speaker, then lectured the members of the Assembly on their duties, and finally ordered the House to return to Charlestown, where it was to meet on the 23d of the month.

The Commons House, however much its members were inconvenienced by these tactics, could not be wearied, and at the appointed time met in full force. In a few days, to the deep regret of all, Speaker Manigault resigned the chairmanship of the Assembly on account of ill health and died soon afterward. Rawlins Lowndes, who had preceded him as speaker, succeeded in that position.

In November, the committee on grievances made a scathing, although dignified report to the House, denouncing the governor's conduct in calling the Assembly at Beaufort, without adequate cause and as founded on ill will, and pronouncing the final adjournment of that body, without suffering it to assume any legislative action as an evasion, if not a violation, of the election law. The report concluded with a recommendation that the colonial agent in London lay these arbitrary and oppressive proceedings before his Majesty and use his utmost endeavors to procure the governor's removal.

#### GOVERNOR FIRST ANGERED, THEN TIRED

While the Commons House was debating the recommendation mentioned, it received a message from the governor to attend him in the Council chamber. Believing that such notice was a prelude to another dissolution, the Assembly concluded its business by adopting the recommendation and then waited upon the governor, who, as a matter of course, prorogued them for a week. In the meantime Speaker Lowndes had taken home the House journal in order to examine it carefully, as was customary, and the governor had sent for it for the same purpose. Various unavoidable delays had occurred before it reached him, and when his Excellency finally examined the record containing the sweeping criticism of his conduct and recommendation that he be ousted from office, he was thrown into violent anger. When the House met on the 9th of November, Governor Montagu charged the speaker with unconstitutional possession of the House journal and with having endeavored to cover the action of the Assembly from him, as well as having continued its sitting after it had received his commands immediately to attend him. He therefore dissolved the General Assembly forthwith.

In a letter to the Gazette, Mr. Lowndes explained in detail the causes for the delays in getting the journal to the governor, but they are too circumstantial to be of general interest. New writs for an election were held, the next House to assemble on the 1st of February, 1773. No change was made in the complexion of the new body, even the speakership remaining with Rawlins Lowndes. The governor therefore first prorogued the Assembly and then dissolved it. The same game was played with another Commons House, which met February 23, 1773, and proved to be the last under the royal government.

#### MONTAGU DEPARTS FOR ENGLAND

Governor Montagu, worn out both by the struggles with the Assembly and the popular cause, and doubtless inwardly perturbed by the workings of a bad temper, was preparing to leave the province for England. On the 2d of March he attended a ball given by the St. Cecilia Society, the leading musical and social organization of Charlestown. The occasion was to mark his last appearance in Carolina. The ball was attended by a greater man than the governor; none less than Josiah Quincy, of Boston, who was on a visit to Charlestown and the southern colonies.

Contrary winds delayed Montagu's departure on his Majesty's packet, the *Eagle*, until the 8th of March, 1773, when he sailed with his family out of Charlestown harbor, to the joint salutation from the guns of the forts and Gadsden's artillery company.

When the affairs of South Carolina devolved for the fifth time

longest indebted for public duties forthwith to pay into the public treasury the sum of £50,000."

The lieutenant governor replied in polite, but very decided terms, that he would "give such directions \* \* \* as would create no distress to any part of the community;" and the Council, through the chief justice and William H. Drayton, prepared resolutions to which they insisted his Excellency should hearken. The latter, however, said nothing, but continued to ignore the request of the Council to assume authority over the Assembly in tax and money matters.

#### ATTEMPTS TO PURIFY THE CURRENCY

Another incident was about to set the Council against the Commons House, but, at the same time, to align the Draytons with the popular, or democratic party, as opposed to the royalists, or aristocratic element. On account of the circulation of spurious Spanish coin and many counterfeit bills, the provincial currency had become so adulterated as to be threatened with serious depreciation, and the Assembly had passed a bill making it a felony to counterfeit the paper currency or other current money. The Draytons had endeavored to secure similar action in the Council, but the proposed bill for the consideration of that body had been postponed, in the face of a protest from its champions, if not authors.

Fearing the bad results of a delay in considering the measure already passed by the House, the Draytons carried their case to the public by inducing the Gazette, of which Thomas Powell was printer, to publish their protest in its columns. On the 31st of August, 1773, the day after its publication, Printer Powell was arrested and brought before the Council for breach of privilege. Despite his plea of non-intentional offense, and other answers designed to placate the Council, that body committed him to the common jail of Charlestown.

#### ENTRY OF EDWARD RUTLEDGE

At this point appeared Edward Rutledge, who had studied law in Charlestown with his brother, John Rutledge, and had continued his professional course in the Temple, London. He had just returned from abroad and, although elected with William Wragg as a member of the Commons House for St. Helena's parish, had declined to serve. When Powell, of the Gazette, was incarcerated for what he did not consider breach of privilege, young Rutledge, with the backing of the Assembly, determined, if possible, to obtain his release on a writ of habeas corpus. Under the law, that writ could be sued out before any two of the assistants to the chief justice, who were then Rawlins Lowndes, speaker of the Assembly, and George Gabriel Powell, member from St. David's parish. As the order for Powell's commitment had issued from the chief justice and the attorney general, both members of the Council, the issue was again joined between these antagonistic bodies.

Edward Rutledge made the most of his case, and the position of prominence which he necessarily assumed. Although not yet twenty-four years of age, he was well acquainted with provincial affairs, had the prestige of a legal education in London, and was naturally a ready and graceful speaker. He did not hesitate to attack the assumption of the Council in styling itself the Upper House, thus comparing itself to the British House of Lords to which it bore no resemblance either in origin or nature of delegated powers; in fact, the "Council in this

The collector of the port applied to the lieutenant governor for protection in the execution of his duties, and as the time approached when it should be necessary for that official to seize the teas for the non-payment of the duties, the Council was convened for consultation and deliberation. It met on the 31st of December, 1773, with the attorney general, chief justice and circuit judge, and advised the lieutenant governor (very obvious advice) that the sheriff and peace officers should be on hand to support the collector when he seized the tea. Several days afterward, the seizure was accomplished without opposition, and the tea was landed and stored in vaults under the Exchange.

#### DEBTS PAID BY BILLS OF CREDIT

While this matter was held in abeyance, the Common House passed a measure for the relief of those public creditors who had not been paid since 1769. Certificates to them were issued for the amounts of their indebtedness, payment for which was guaranteed by the House. To cover these items and furnish a necessary addition to the currency of the province, about £200,000 in bills of credit were issued which the Chamber of Commerce agreed to approve. Thereby, it was claimed, it was unnecessary to go to the trouble of preparing a tax bill and risking its obstruction by the Council.

#### COLONIAL PROTEST AGAINST BOSTON PORT BILL

When the accounts arrived from England of the blockade of Boston harbor and the bill in Parliament for the removal of the custom-house there, because of the disturbances over the tea question, with the threat that these measures would be enforced by adequate naval and military power, there was not a little excitement at Charlestown, as Carolina's similar problem had not been settled or even definitely brought up for solution. The importance of the matter at issue was intensified when, in May, the inhabitants of Boston sent an appeal to the other colonies to stop the importation of all goods from Great Britain and the West Indies until the blockade was lifted.

Upon the reception of the note at Charlestown, a number of its leading citizens held a meeting at the City Tavern (formerly Dillon's), at which it was agreed to call a convention of all the inhabitants of the province on the 6th of July. Before noting the action of this epochal gathering of South Carolinians, it is worthy of mention that thirty prominent Americans who were in London at the time of the passage of the Boston port bill through the British Parliament had vigorously protested against it, and of that number the following fifteen were from South Carolina, viz., Ralph Izard, William H. Gibbes, William Blake, Isaac Motte, Henry Laurens, Thomas Pinckney, Jacob Read, John F. Grimke, Philip Neyle, Edward Fenwicke, Edward Fenwicke, Jr., John Peronneau, William Middleton, William Middleton Jr., Ralph Izard, Jr., and William Heyward.

"With a single exception," says Maj. Alexander Garden, these gentlemen "remained steady in their principles, and active in the service of their country, throughout the whole of the Revolutionary war."

In this movement, as in all other protests against oppression of the people, the southern province stood shoulder to shoulder with Massachusetts and Virginia, and, because of the unusual number of educated and cultured men numbered among its leaders, often enjoyed a preponderance of representation in any gathering or body which was intercolonial in its nature.

The meeting of colonials held under the Exchange, on July 6, 1774, was very largely attended, more than 100 delegates being present from the various parishes. Col. George G. Powell, who had been one of the judges before whom the habeas corpus proceedings had been tried in the Gazette case, presided at the gathering, which was changed into a popular assemblage, all in attendance being privileged to vote individually and not as parish representatives. The mechanics of Charlestown thereby had the majority voice in the proceedings.

The resolutions adopted asserted that North American subjects were loyal and stood in the same relation to the king as the subjects of Great Britain proper, but that colonial taxes could not be levied except upon the consent of the colonials and that crimes committed in the colonies must be tried therein. The "act for the trial of Treasons committed out of the King's Dominions" did not apply to any crimes committed in the colonies. Finally, the Parliamentary acts relating to Boston were most alarming, as showing a general disposition to invade the people's rights in all the colonies. Every justifiable means should be taken to have the measures repealed. Two measures were proposed in the meeting and debated—(1) to stop all importation and exportation, that is to adopt the boycott of British and West India manufactures and products; and (2) to send deputies to a general Congress to take general action on the grievances against the mother country. Several meetings were held before the convention, or a majority of its members, decided to adopt the more radical and far-reaching plan of sending five deputies to the General Congress.

The final and determining meetings were held on the 7th and 8th of July. At the suggestion of Rawlins Lowndes the convention placed itself on record as opposing actual independence of Great Britain, which position had been assumed by the New England colonies under the leadership of Massachusetts, and especially of Boston. It was resolved on the 7th that the five deputies should be elected to represent South Carolina at the Congress of all the colonial representatives, to be held in Philadelphia on the first Monday in September, 1774; or at any other place or time. The Carolina men were authorized "to concert, agree to, and effectually prosecute such legal measures as in the opinion of those deputies, and of the deputies of the other colonies, should be most likely to obtain a repeal of the late acts of Parliament and a redress of American grievances."

In the selection of the five deputies by popular ballot, two tickets were presented; as number was the determining factor, the mechanics won over the merchants, and elected Christopher Gadsden, Thomas Lynch and Edward Rutledge. Both parties supported Henry Middleton and John Rutledge.

#### SOUTH CAROLINA GENERAL COMMITTEE

The convention reassembled on the 8th of July and chose a general committee to correspond with similar colonial bodies on the points at issue with Great Britain. The South Carolina committee comprised fifteen mechanics and fifteen merchants of Charlestown, and sixty-nine planters from other sections of the province.

#### PRACTICAL RELIEF FOR BLOCKADED BOSTON

While South Carolina had failed to adopt the boycott of British goods and island products, it took action which brought practical relief to blockaded Boston. Early in June 200 barrels of rice was sent

to the northern colony, with a promise of 800 more (which more than materialized), and thus furnished the first relief to the needs of the town. Contributions of money amounting to £3,300 cash were also sent on, and, from reports afterward published by grateful Bostonians, it became evident that South Carolina led all the colonies, surpassing even Massachusetts, in this necessary work of upholding the energy and courage of the colony of Massachusetts Bay. E. I. Renick tells us that when it was provided by Parliamentary bill that the trade of Boston might be recovered on proper apology, and upon payment for the tea destroyed, Gadsden sent a generous contribution to the distressed people of that town with the terse injunction, "Don't pay for an ounce of the damned tea!"

When the Commons House met in August, 1774, Colonel Powell, chairman of the convention which had formulated the programme for the congressional delegates to Philadelphia, or rather laid down general instructions for their guidance, as a member of the Assembly applied to that body for the confirmation of the representatives elected and for the appropriation of a sum not exceeding £1,500 sterling to pay their traveling expenses. Soon afterward, the lieutenant governor prorogued the Assembly. It is still an open question whether he had not intended to take this action before the House had so openly committed itself as a member of the General Congress.

#### DRAYTON BECOMES CHAMPION OF POPULAR RIGHTS

At the death of John Murray, one of the assistant judges appointed in 1771, William H. Drayton ascended the bench, having volunteered to serve until some one should be permanently appointed. If the lieutenant governor supposed that the restless Drayton would thereby be so occupied that he would not have time to disturb the affairs of the province, he was mistaken; for soon after he became a judge under his Majesty's commission he wrote and published a paper directed against the king and virtually presenting to the American people a bill of rights. It was a complete reversal of his position of 1769, and required some ingenuity to give it the air of consistency. He had gone into this opposition, he claimed, against the acts of Parliament subsequent to the stamp act.

He charged, among other things, that since 1769, the Circuit Court, of which he was a judge, had been filled by men from England who had no support in their own country, instead of by colonial gentlemen of character. The latter point brought forth a remonstrance from the chief justice, Thomas Knox Gordon, and one of his assistants, Charles M. Coslett, charging Mr. Drayton with being the author of the paper signed "Freeman," and claiming that he was not a fit person to hold office.

As the discussion regarding the disposition of these charges was under way, Mr. Drayton set out on his circuit, which included Georgetown, the Cheraws and Camden. While delivering those memorable charges to the grand juries of his circuit in vindication of the rights of the people, he was superseded on the bench by William Gregory who had recently arrived from England.

#### CIRCUIT COURT ACT IMPERFECT

The Circuit Court act was the commencement of the end of the South Carolina parochial system. As stated, the circuit courts were to be held at Orangeburg, Ninety-six and the Cheraws, as well as at

the coast centers, Charlestown, Beaufort and Georgetown. Bishop Gregg states truly in his "History of the Old Cheraws," to this effect: "The courts to be held in Charlestown, however, were not strictly speaking Circuit courts; but like those of Westminster Hall, in England, alone possessed of complete original and final jurisdiction, all writs and other civil processes issuing therefrom and being made returnable thereto.

"The provision made for the interior districts was not, for this reason, altogether complete, though a signal advance for them, on their previous condition. Henceforth government became more efficient, and justice was brought nearer the habitation of each individual."

By the Circuit Court act the judges were authorized to determine, without jury action, all causes within the jurisdiction of their court, involving sums not exceeding twenty pounds sterling, except when the title of land should be in question. But each party might claim a trial by jury. The office of provost marshal was abolished, and sheriffs and clerks were appointed.

#### THE CHERAWS JUDICIAL DISTRICT

Both historically and in view of its subsequent development, the judicial district of Cheraws was among the most noteworthy of the sections thus designated and covered by the operations of the courts. It received its name from the old Indian tribe, which, when the whites first came into the country, was being pushed down from the north by the Catawbias, who, in turn, were being crowded by the Cherokees. The backbone of the country occupied jointly by the two tribes was the Pee Dee system of waterways. The word Cheraw is generally held to have some connection with Fire, and the settlement by that name may be designated as Firetown.

The judicial district of Cheraws was identical with the parish of St. David, created by act of 1768.\* At first Cheraw Hill was designated as the seat of justice for the district, and the site for the court house, jail and other buildings required, but the judicial headquarters, with all which went with the honor, was afterward located at Long Bluff.

The territory of eastern South Carolina thus turned over to the administration of justice, in the districts of the Cheraws and Georgetown, and embracing so much of the old country of the two Indian tribes mentioned, included the present counties of Georgetown, Marlboro, Chesterfield, Florence, Darlington, Williamsburg, Horry and Marion, or the Pee Dee counties.

#### DRAYTON ON THE CIVIL RIGHTS OF THE PEOPLE

\* Judge Drayton appeared at the opening of the Circuit Court of the Cheraws district, at its seat of justice, Long Bluff, on Tuesday, November 15, 1774, and delivered a charge to the grand jury, which was typical of all his other addresses. Altogether, they furnished a medium for the pronouncement of the most radical revolutionary sentiments. While he was telling the "gentlemen of the jury" what was required of them in that capacity, he added: "Instead of discouraging to you of the laws of other States and comparing them to

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\* Jefferson Davis in his "Rise and Fall of the Confederate Government," quotes from this charge of Judge Drayton as a notable "exhibition of judicial purity and independence."

our own, allow me to tell you what your civil liberties are, and to charge you, which I do in the most solemn manner, to hold them dearer than your lives; a lesson and a charge at all times proper from a judge, but particularly so at this crisis, when America is in one general and generous commotion touching this truly important point.

"It is unnecessary for me to draw any other character of those liberties than that great line by which they are distinguished; and happy is it for the subject that those liberties can be marked in so easy and so distinguishing a manner. And this is the distinguishing character: English people cannot be taxed—nay, they cannot be bound by any law, unless by their consent, expressed by themselves or the representatives of their own election.

"This colony was settled by English subjects; by a people from England herself; a people who brought over with them, who planted in this colony and who transmitted to posterity, the invaluable rights of Englishmen—rights which no time, no contract, no climate can diminish. Thus, possessed of such rights, it is of the most serious importance that you strictly execute those regulations which have arisen from such a parentage, and to which you have given the authority of laws by having given your constructional consent that they should operate as laws; for by your not executing what those laws require you would weaken the force and would show, I may almost say, a treasonable contempt of those constitutional rights out of which your laws arise, and which you ought to defend and support at the hazard of your lives. Hence, by all the ties which mankind hold most dear and sacred; your reverence to your ancestors; your love to your own interests; your tenderness to your posterity; by the lawful obligations of your oath—I charge you do your duty, to maintain the laws, the rights, the constitution of your country, even at the hazard of your lives and fortunes.

"Some courtly judges style themselves the king's servants—a style which sounds harshly in my ears, inasmuch as the being a servant implies an obedience to the orders of the master; and such judges might possibly think that, in the present situation of American affairs, this charge is inconsistent with my duty to the king. But for my part, in my judicial character I know no master but the law; I am a servant not to the king but to the constitution; and, in my estimation, I shall best discharge my duty as a good subject to the king and a trusty officer under the constitution, when I boldly declare the law to the people and instruct them in their civil rights."

Both the petit and grand juries made formal replies to the charges delivered to them by Justice Drayton and enthusiastically adopted his bold and expressed sentiments of non-subserviency to any authority except the Constitution. Following its presentment of local grievances, such as the want of a law for the clearing of the Pee Dee River, the grand jury presented, "as a grievance of the first magnitude, the right claimed by the British Parliament to tax us and by their acts to bind us in all cases whatsoever. When we reflect on our own grievances, they all appear trifling in comparison with this, for if we may be taxed, imprisoned and deprived of life by the force of edicts to which neither we or our constitutional representatives have ever assented, no slavery can be more abject than ours.

"We are, however, sensible that we have a better security for our lives, our liberties and our fortunes than the mere will of the Parliament of Great Britain, and are fully convinced that we cannot be constitutionally taxed but by representatives of our own election, or bound by any laws than those to which they have assented.



"This right of being exempted from all laws but those enacted with the consent of representatives of our own election, we deem so essential to our freedom and so engrafted in our constitution that we are determined to defend it at the hazard of our lives and fortunes; and we earnestly request that this presentment may be laid before our Constitutional Representatives, the Commons House of Assembly of this Colony, that it be known how much we prize our freedom and how resolved we are to preserve it.

"We recommend that these presentments be published in the several Gazettes of this Province."

Alexander M'Intosh was foreman of the grand jury of twenty good and bold citizens of the up-country, who thus published to the New World an American bill of rights inspired by Judge Drayton.

At about the time that Judge Drayton was swinging around his circuit, the tea difficulty came to a climax. The first consignments, as noted, had been placed in the collector's stores and there remained. A lot of seven more chests afterward came, and the people decided that vigorous action was now due the cause. While the vessel on which it was stored rode at anchor in Cooper River, the proprietors, by themselves and agents, in the presence of the Committee of Inspection, broke in the chests and threw all their contents into the water, amidst the joyful shouts of the people who crowded the wharves to give sanction to this bold act of the merchants and owners of the offending article.

The citizens of Georgetown made a similar disposition of the obnoxious tea.

Three days after this signal act of rebellion, a counterpart of the Boston act, but performed more openly and boldly, South Carolina's delegates returned from the General Congress which had met in Philadelphia. Several days afterward, they were entertained by the general committee which had been elected by the convention of the previous July, and which had assumed the active government of the province.

#### PARTIAL JUSTICE TO THE UP-COUNTRY

The General Committee, which now had earned the right to be capitalized, set about to do justice (as its members then saw it) to the up-country, which, from the overwhelming vote cast by the Charlestown mechanics, had been entirely neglected in the representation of delegates to the Provincial Congress. Up to this time, that portion of the province had judicial, but no parish, or political organization. The wealth and old-time leadership of the Charlestown and low-country sections in general had so overshadowed the progress and actual population of upper Carolina as to lead the committee to finally give it quite an inadequate representation; but it was a step toward the justice which was not fully accorded that portion of the State until after 1865.

The whole of the up-country was divided into four districts—the territory between the Savannah and the Saluda rivers was the first, and known as Ninety-six; the second, was between the Saluda and the Broad; the third, between the Broad and the Catawba; and the fourth, all the region east of the Catawba or the Wateree. To each of these districts, the committee allotted ten representatives. Charlestown had thirty members and to the other parishes of the low-country were allotted 114, making 184 in all.

The next step was to get the delegates to the Provincial Congress

elected; and the General Committee sent out writs to "some influential gentlemen" in the various parishes and districts, calling for the election of delegates, who were to meet in Charlestown on the 11th of January, 1775. No election officials were chosen, and the committee appointed these "influential gentlemen" at its discretion; but that action was undoubtedly a short cut to the obvious necessity of getting the government machinery in motion as soon as possible. As the elections were generally conducted under the laws of the former government, it was not necessary that the delegates returned should be residents of the sections which they represented. Thus Edward Rutledge was elected for Ninety-six district, Henry Middleton for the district between the Broad and the Catawba, William H. Drayton for the Saxe-Gotha country, and Thomas Sumter, for the territory east of the Wateree. No Scotch-Irishmen, except Patrick Calhoun and John Caldwell, appeared in the list of delegates from the up-country, and no German was elected from Saxe-Gotha or the Dutch Fork.

#### THE FIRST PROVINCIAL CONGRESS

The delegates thus chosen met at the Exchange on January 11, 1775, and organized by electing Charles Pinckney president, and Peter Timothy, one of their number, secretary. An adjournment was then taken to the Commons House, where the representatives transformed themselves into a Provincial Congress. This radical act was accomplished in the presence of the delegates to the Continental Congress, who were cross-examined on the part they took during the inter-colonial deliberations at Philadelphia. To the question why they had not made a stronger case against the aggressions of royalty by examining the record previous to 1763, the delegates to the Philadelphia Congress replied that they had consulted the wishes of the Virginia Congressmen who had believed that by thus doing, the greater odium would be thrown upon the obnoxious reign of George III, "which had been so fatal to the peace of America."

It seems that there had been a disagreement among the South Carolina delegates to the Continental Congress over the non-intercourse agreement, but finally a compromise was effected allowing rice to be exported to Europe. Indigo was at first included in the exceptions, and afterward its claims were withdrawn. John Rutledge strongly objected to South Carolina entering the Non-Intercourse Association of the colonies unless the compact be absolute; Christopher Gadsden's position was much the same, but, as immediate non-intercourse was not approved, John Rutledge, backed by the whole South Carolina delegation save Gadsden, demanded an exception in favor of South Carolina rice; and for this action he has been severely criticised by some northern writers down to the present day. He insisted that the exception was "the only means by which the North and the South could be placed on an equality of suffering in the non-intercourse measure of resistance." He said, "that he was in favor of immediate non-intercourse, but the Congress, in their wisdom, had postponed it until the following September. That the northern trade would be but little affected by the association, and he saw no reason why our's should be ruined. It was evident," he said, "that the colonies were less intent to annoy the mother country in the matter of trade, than to preserve their own trade"; so he thought it but justice to his constituents to present to them their trade as entire as possible.—And the impartial historian will acknowledge today that John Rutledge was entirely right.

The delegates from the other colonies, for the sake of meeting the wishes of the majority of the South Carolina delegation and keeping the Union of the colonies intact, allowed the article of rice to be excepted.

The debate over the wisdom of accepting such action became general and rather acrimonious among the members of the Provincial Congress. Why should rice be excluded and not indigo? And if rice and indigo, why should not other growers be relieved and protected? After debating the question all day and into the night, those opposed to expunging the exception in favor of rice carried their point by a vote of eighty-seven to seventy-five. The rice planters were therefore victorious, but the whole colony was divided and heated by the quarrel.

The Provincial Congress then re-elected the five South Carolina delegates to the Continental Congress to be held at Philadelphia on the ensuing 10th of May, "or sooner, if necessary"; "or elsewhere." It was styled the American Congress and its delegates were not only to confer as to further measures which should appear to be necessary "for the recovery and establishment of American rights and liberties," but "for restoring harmony between Great Britain and her colonies."

About a week after the first meeting of the home parliament, that body waited upon the lieutenant governor at his residence on Broad Street and presented him with a loyal address, at the same time stating the popular grievance under which they suffered, "which threatened destruction to the constitution, etc.," and which it is not necessary to here repeat. The burden of their prayer was that the sitting of "the General Assembly might no longer be delayed." Lieutenant Governor Bull replied courteously, but firmly, that he could recognize no legal representatives of the good people of this province but the Commons House of Assembly, chosen according to the election act and met in General Assembly." As gentlemen of "respectable character and property," however, he informed those addressing him that the General Assembly stood prorogued to the 24th of January, 1775.

According to Drayton's "Memoirs of the Revolution," the Provincial Congress then returned to their chamber and adopted resolutions that all the inhabitants of the colony should be attentive in learning the use of arms, and that their officers train and exercise them at least once a fortnight. Friday, the 17th of February, was to be set apart as a day of fasting, humiliation and prayer, that Almighty God might be petitioned to inspire the king with "true wisdom to defend the people of North America in their just title to freedom and to avert from them the impending calamities of civil war."

The Congress then returned thanks to their president and secretary and adjourned to the 20th of June, 1775, unless it should be reconvened earlier by the General Committee.

On January 18th, the day following its reception by the lieutenant governor, the General Committee which had brought forth the Provincial Congress placed itself under the regulations of that body. It was the province of the Committee to act in emergencies when the Congress was not in session, or could not be convened to meet the critical situation. For instance, at this time a vessel arrived from Bristol, England, with salt, coal and tiles, all of which were thrown into the river, under the rulings of the Non-Intercourse Association, as sustained by the Continental Congress and the General Committee. Although the latter body at first thought best to except from the provisions of the non-importation acts the household furniture and horses of a family returning from England, to share their lot with

their home people, the proposal created such an opposition both among the citizens and certain members of the committee, that a previous permission to allow the landing of such effects was confined to the household goods. The returning family were refused permission to land their horses.

The General Assembly had been prorogued by Lieutenant Governor Bull, from time to time, until January 24, 1775, a week after the adjournment of the Provincial Congress. He informed the Commons that he had "nothing in command from the king to lay before them." The Assembly's address, or reply, to Bull's speech expressed surprise that the king had nothing to command, as their agent had informed them that his Majesty had withheld the obnoxious "additional instruction" from the instructions to the newly appointed governor. Unless that "additional instruction" were omitted grave complications must ensue, for the Council had refused to pass any bill unless the Commons would submit thereto, and it was certain that the Commons would no longer tolerate the "additional instruction" or any clause thereof. In order to test the matter the Commons again passed "An Act to prevent counterfeiting the paper money of the other colonies," and sent it to the Council. After much "filibustering," to use a modern term, by the crown officers, the bill was passed, says McCrady, "in sullen silence—the chief justice voting however against it. The Commons had triumphed. They had compelled the Council to transact business, without their submitting to the 'additional instruction.' This was the first bill passed by the General Assembly in more than four years, and, with a bill to revive and continue certain acts, the last passed under the royal government."

Before proceeding to test the attitude of the Council, a copy of the journal containing the proceedings of the Continental Congress was laid before the House by Thomas Lynch, one of the delegates to Philadelphia who, with Christopher Gadsden, John Rutledge, Edward Rathbon and Henry Middleton were reappointed to the General Congress.

In this clash between the Council and the General Assembly, William Henry Drayton, a member of the former body, had sided with the popular House and criticized the dilatory tactics of the upper body. He not only called their acts in question in the Council chamber but through the columns of the Gazette. This course had so offended Chief Justice Gordon, a member of the Council, that he charged Drayton with being a demagogue, a rebel against the royal government and an unfit person to sit at the King's Board. Drayton vigorously defended himself, but his enemies were in the majority and in February, 1775, he was suspended from the Council. In the same month (on the 17th) the Provisional Congress set aside a day of fasting, humiliation and prayer. Not long afterward the Council passed an act granting the renewal of the general duty act for one year only, a matter for which the Commons had long contended. The principle was at last acknowledged—another precedent had been established! The Assembly adjourned on April 20, 1775.

In the meantime important events had been occurring in the English Parliament. In February, Chatham had proposed to recognize the Continental Congress as a permanent body of the imperial domain; also the right of the colonists to tax themselves and adapt their judiciary to the English system. In March, Burke went even further and recommended "a repeal of the recent acts complained of in America." But these attempts of the great English leaders were voted down and Lord North's policy of coercion finally obtained the upper hand in

Parliament. The right of taxation by the Crown was not to be disputed and the Colonial Congress was an illegal body.

The leaders in South Carolina saw that the outbreak of hostilities was probably only a matter of time. The Provincial Congress had adopted a resolution "that a secret committee of five proper persons be appointed by the president of this Congress (Col. Charles Pinckney) to procure and distribute such articles as the present insecure state of the interior parts of this colony renders necessary for the better



*Henry Laurens*

defence and security of the good peoples of those parts, and other necessary purposes. William Henry Drayton, Arthur Middleton, Charles Cotesworth Pinckney, Wm. Gibbes and Edward Weyman were selected. The night after their appointment various stores of powder and arms, were seized—the latter being taken from the State House Armory. All was done in perfect order, and when the lieutenant governor and the Council asked for an explanation the investigating committee of the House reported that they could not obtain any certain intelligence regarding these matters "but think there is reason to suppose that some of the inhabitants of this colony may have been induced to take so extraordinary and uncommon a step in consequence of the late alarming accounts from Great Britain."

On the 3rd of May, 1775, the South Carolina delegates to the approaching Continental Congress sailed from Philadelphia, and on the 8th of the month a vessel arrived from Salem, Massachusetts, bringing news of the battle of Lexington. For a number of days the General Committee debated as to what public position should be taken. Some individuals severed all official connection with the royal government and urged immediate and drastic action, and early measures for the defence of the town and harbor; but many dreaded any overt act that would usher in revolution; some thought there should be "an association of defence to be signed by the inhabitants generally," and that single proposition was discussed for seven hours; conservatives counselled delay after the meeting of the Provincial Congress;—and so, the multitude of counsels came to naught. On June 11, 1775, nearly one half (23 to 25) of the General Committee was opposed to active hostilities.

In the meantime Lieutenant Governor Bull had had his last official intercourse with the Commons House of Assembly by proroguing it until the 19th of June.

The Provincial Congress, however, had made progress toward the Revolution. Col. Charles Pinckney had resigned as its president and Col. Henry Laurens, former chairman of the General Committee, had been elected in his place. The recommendations of the General Committee to appoint a body to consider ways and means to place the colony in a state of defence met with such opposition that it was at first deferred, but on June 4th it prevailed. The members of the Congress then affixed their names to a document by which they solemnly bound themselves to associate in the defense of South Carolina against every foe and to "hold all those persons inimical to the liberties of the colonies who shall refuse to subscribe this association." The Congress resolved to raise 1,500 infantry in two regiments, and 450 horse rangers, and \$1,000,000 in money was subsequently voted.

On June 14th, a Council of Safety was appointed composed of Henry Laurens, Charles Pinckney, Rawlins Lowndes, Thomas Ferguson, Miles Brewton, Arthur Middleton, Thomas Heyward, Jr., Thomas Bee, John Huger, James Parsons, William Henry Drayton, Benjamin Elliot and William Williamson. This body represented the supreme executive power of the colony and could draw on the treasury for all purposes of public service. It was even superior to the General Committee and both sat to carry on all necessary colonial functions until the meeting of the new Provincial Congress, the members of which were to be elected in August.

To the last the Provincial Congress retained their respect, if not affection, for Lieutenant Governor Bull and on the 17th of June, 1775, two of its members, as spokesmen for the entire body, repaired to his country estate, Ashley Hall on Ashley River, to wait upon him and present a formal address to him in explanation of their motives. Even as they were on their way, the guns of Charlestown harbor boomed a salute across its waters in honor of the arrival off the coast of the new royal governor, Lord William Campbell. His coming, and his vain endeavors to assert his authority in South Carolina, mark the end of the royal government in the province. These fruitless efforts carry the readers into the times of the Revolution.

## CHAPTER XXII

### LAST GASP OF ROYALTY (1775)

While the province of South Carolina was anxiously awaiting the arrival of Lord William Campbell, who had been commissioned by the king to rule it, other steps were being taken by the leaders of the people which were gradually, but inevitably, aligning them with the cause of absolute independence. The General Committee was still the dominant body and was both judicial and executive, and, being especially empowered, as stated, to act in any emergency which required promptness. There was a secret committee of five persons—Messrs. William Henry Drayton, Arthur Middleton, Charles Cotesworth Pinckney, William Gibbes and Edward Weyman, whose duty it was to “procure and distribute such articles as the present insecure state of the interior parts of the colony renders necessary for the better defence and security of the good people of those parts,” etc.—“such articles” being generally understood to be arms, powder, provisions, etc.

As the time approached for the inevitable contest with the royal governor, a body was called into existence which should have direct supervision of all military matters. It was appointed on the 14th of June, 1775, and named the Council of Safety, and comprised the following: Henry Laurens, Charles Pinckney, Rawlins Lowndes, Thomas Ferguson, Miles Brewton, Arthur Middleton, Thomas Heyward, Jr., Thomas Bee, John Huger, James Parsons, William Henry Drayton, Benjamin Elliot and William Williamson. The special committee seems to have had a general commission to handle anything or anybody, or any combination of circumstances or individuals which threatened the security of the “good people of the colony.” But whatever the committee, or its duties, William Henry Drayton and Arthur Middleton were always members of it, and therefore prepared to reconcile any conflicts of authority between the various bodies. All who would not conform to the authority of these citizen organizations were subject to the discipline of the General Committee, and those who refused obedience to the requests or behests of the Congress were brought before the parochial and district committees and, if they were found guilty, outlawed as patriots. Further, according to Drayton’s “Memoirs of the Revolution,” all absentees holding estates in the province, except those who were abroad on account of their health, and those between the years of twenty-one and sixty, were called upon to return; and no persons holding estates in the province were permitted to withdraw from its service without giving good and sufficient reasons for so doing.

Drayton had been formally expelled from the Provincial Council, with the approval of Lieutenant Governor Bull, and his case had been pending for more than a year, awaiting the pleasure of the king. But his Majesty and the royal government—what was left of it in South Carolina—had other more pressing matters on hand than to discipline William Henry Drayton, rank rebel though he had become.

## COLD RECEPTION OF MY LORD

Developments were rapid after the arrival of his Excellency, Lord William Campbell, on the 18th of June, 1775. That date happened to be one day after the first meeting of the Council of Safety created by the Provincial Congress. The new governor's reception was most formal and quite lacking in popular warmth. What few citizens had gathered on the landing were silent. With the permission of the Council of Safety, which had assumed the entire direction of affairs, the militia was drawn up to receive him, the officials in attendance including only the royal councilmen, the judiciary and court officials, collector of the port and some officers of his Majesty's ship, the *Scorpion*. Lieutenant Governor Bull had not even come down from Ashley Hall to pay his compliments and as the residence to be occupied by My Lord and My Lady was not ready for them, they accepted the hospitality of Miles Brewton, who had married a first cousin of Lady Campbell; and Mr. Brewton was a member of the Council of Safety.

## EMBARRASSMENT OF THE ROYAL GOVERNOR

The royal governor was in an embarrassing position, even from the standpoint of his wife's family. Lady Campbell's brothers, Ralph and Walter Izard, were outspoken patriots among the South Carolinians; Ralph Izard, Jr., had fought the Boston port bill while in London and was enrolled on the side of the people, and now here was Miles Brewton, who had married the daughter of Joseph Izard, and, although a member of the revolutionary Council of Safety, was housing Governor Campbell, who came to Carolina as a servant of the king.

On the 21st of June, three days after his arrival, Governor Campbell received a deputation from the Provincial Congress, headed by Mr. Drayton and including Mr. Brewton. They still styled themselves his Majesty's loyal subjects, with no desire to alter the "constitution of government;" "but alarmed and aroused by a long succession of arbitrary proceedings, by wicked administrations—impressed with the greatest danger of instigated insurrections, and deeply affected by the commencement of hostilities by the British troops against this continent—solely for the preservation and in defence of our lives, liberties and properties, we have been impelled to associate and take up arms."

Lord William Campbell received the address, which was admitting that the Congress spoke with some authority, although he professed to recognize no representatives of the people except those convened in the General Assembly. He professed not to then understand the complicated situation, but promised to do nothing in the future inconsistent with the real happiness and prosperity of the people.

The more the governor thought the matter over, the more uneasy he became over his reception of the revolutionary address, which stated, in so many words, that the people had been "impelled to associate and take up arms." He called upon his host, Miles Brewton, to use his influence with the Congress to have those fearful words erased from the records of that body but without avail.

## PROVINCE DIVIDED INTO MILITARY DISTRICTS

In short, the Provincial Congress had already organized the province into twelve military districts, as follows: Charlestown; Berkeley County; Granville County (present Beaufort and Hampton); Craven County, including the territory north of the Santee and east of the



Camden district; Camden, the country between Lynch's Creek and the Congaree (present counties of Richland, Kershaw, Sumter, Fairfield and Chester); Colleton, between Charlestown and Granville County; Orangeburg, (present counties of Orangeburg, Calhoun, Barnwell, Lexington and Aiken; The Cheraws, east of Lynch's Creek adjoining Craven County (the Pee Dee section and including the present counties of Chesterfield, Marlboro, Darlington, Dillon and Marion); Ninety-six, the country between the Saluda and Savannah rivers (present counties of Edgefield, Abbeville and Anderson); The Forks of Saluda, the lower part of the country between the Saluda and Broad (present county of Newberry and the southern portions of Laurens and Union); Upper Saluda (present counties of Spartanburg and Cherokee and the northern parts of Laurens and Union); and the New District, or New Acquisition, the present County of York. In each of these twelve districts, the militia was organized into a regiment of infantry, and there was a regiment of horses in the lower part of the province. The regiments varied in strength according to the population of the various military districts.

According to Well's "Register and Almanac" for 1775 the colonels of the thirteen regiments were as follows: Of the one regiment of horse, William Moultrie; and of the infantry, Charlestown district, Charles Pinckney; Berkeley County, Richard Singleton; Granville County, Stephen Bull, of Sheldon; Craven County, Job Rothmahler; Colleton County, Joseph Glover; Orangeburg, William Thomson; Cheraws, George Gabriel Powell; Ninety-six, John Savage; Camden, Richard Richardson; Forks of Saluda, Robert Starke; Upper Saluda, Thomas Fletchall; New District, Thomas Neel. Probart Howarth was colonel and governor of Fort Johnson, and Owen Roberts was captain of the artillery company with headquarters in Charlestown.

The military organization noted in the foregoing was largely a paper affair, and the radical leaders in the movement perceived that militia, as usually organized, would not do, and a force must be raised upon which reliance could be placed. It was known that there was much opposition to the revolution in the up-country, and there were so many shades of opinion in the coastal country that solid military support, in the case of general hostilities, was not to be expected.

The Provincial Congress therefore resolved to raise three regiments—not from the ranks of volunteers, but officered by gentlemen of fortune and family; the privates to be "enlisted for hire," a type of men similar to those drawn into the armies of Europe. The two regiments of the line, intended mainly for service along the coast, were commanded by Colonels Christopher Gadsden and William Moultrie, and the regiment of mounted rangers, the third representing upper Carolina, had as its lieutenant colonel, William Thomson. To maintain these dependable forces, the Congress issued bills of credit to the amount of £140,000 sterling. That representative body thus boldly voted funds, "fiat money," which was not legal tender, to provide the pay, clothing, provisions and munitions of war for a military force to oppose royalty, in case it was deemed advisable, and the people generally honored these bills of credit. The Congress, however, refused to issue commissions to the officers under seal, for the seal, in English eyes was almost sacrosanct, and such an act was almost sacrilegious, and instead issued certificates signed by the Council of Safety. It was not until the following year (1776) that the General Assembly, which succeeded the Provincial Congress, adopted a Great Seal for South Carolina, and that design, insignia and superscription, appears on the seal of the State today.

## POWDER AND OTHER RELIEF FOR BOSTON

The success of the revolutionary forces obviously depended on a plentiful and continuous supply of arms and powder. After the commencement of hostilities around Boston, the amount of powder upon which General Washington could draw was small. General Washington found after the affair at Lexington and Concord and the skirmishes around Boston, that each soldier could only be supplied with about nine rounds, and urgent appeals were made to the Continental Congress, as well as to all the colonial bodies, to send as much powder to the active seat of war as was possible.

South Carolina was asked to assist in this vital work through a letter, dated July 1, 1775, which had been written by its delegates in the Continental Congress. By direction of Congress a vessel had sailed for Charlestown from Philadelphia laden with Indian corn. The pressing message was directed to Drayton, Middleton and Pinckney of the secret committee, and they were urged to purchase all the powder that could be bought and send it on, as rapidly as possible.

News came about this time that several tons of powder were expected to arrive soon from England, at Savannah, to be distributed thence among the Indians friendly to Great Britain. It was said not to be the intention of the mother country to prosecute this undertaking as an act of hostility against the colonists, but rather to strengthen the friendship of the Indians, who required the powder for hunting purposes. The Carolinians, under the circumstances, preferred to construe the enterprise as one of hostile intent, and therefore determined to intercept the supply.

Capt. John Barnwell and John Joyner were thereupon commissioned by the secret committee to undertake that enterprise, and immediately set out in two barges, with forty men, and anchored about the 1st of July at Bloody Point, South Carolina, in full view of the mouth of the Savannah River. The presence of this force, small as it was, so encouraged the people of Georgia that an association was formed and a congress assembled at Savannah on the Fourth of July (1775). Appropriate declarations of independence were pronounced, and contributions were made by Georgians to the Boston fund. Barnwell and Joyner were given every possible assistance, the Georgia Congress adding a schooner to the South Carolina boat already on the ground. South Carolina and Georgia were closely associated. There was a British armed schooner in the river awaiting the arrival of the powder ship, but the royal craft weighed anchor and set sail on the approach of the colonial boat.

Soon afterward a ship hove in sight, which, when it sighted the colonial schooner, departed seaward, but was overhauled by its pursuer, and, with the assistance of the Georgians, boarded and searched. Powder was found, but not the consignment destined for the Indians; rather, several lots shipped to Charlestown, Savannah and St. Augustine merchants. It was accordingly divided, in the proportion of 7,000 pounds for South Carolina and 9,000 pounds for Georgia. Georgia now had 12,700 pounds and its available stock was large for those times. Drayton and Brewton, who were sent for the purpose, appeared in Savannah and procured a loan of 5,000 pounds. On the 21st of July, the boat which had come from Philadelphia laden with Indian corn, returned with the prime means by which Boston withstood the British siege.

But South Carolina had not reached the limit of its resources in furnishing the North with the necessary sinews of war. The Council

of Safety took the sloop Commerce into the provincial service, furnished her with armament and three days after the powder had been sent to Philadelphia, commissioned Clement Lempriere as captain. His destination was the island of New Providence, where, it was understood, there was a lot of powder for British use. Captain Lempriere arrived at Beaufort on July 28, 1775, where he proceeded to clean his ship and make ready for the expedition. While thus engaged, he was informed by the Council of Safety that a powder ship was expected at St. Augustine. The Commerce accordingly changed its course and on the morning of August 8th arrived off the bar of that ancient town, and Captain Lempriere at once boarded the brigantine Betsey, from London, which he found there anchored, well armed and manned. It was the very vessel he sought and the prize in powder and other military stores was beyond expectation. Thus it was due to the enterprise and prompt action of South Carolina, and redounded to the great advantage of the patriot cause, in this early and critical stage of the Revolution, that the sorely beleaguered Americans of the North were supplied with 111 barrels of powder and 38 half-barrels and kegs. The Commerce arrived safely at Beaufort, where a small amount of the captured powder was left, and, as it was rumored that a British ship was in pursuit, the remainder was transferred to another provincial craft and carried to Charlestown. These various ventures netted South Carolina nearly 22,000 pounds of powder, 3,000 of which had been seized in the king's magazine at the capital.

#### ASSOCIATORS

While the campaign to increase the powder supply was being thus successfully conducted under the direction of the Council of Safety, the general committee was investigating the standing of the citizens of the province in regard to the "Association." That body had been directed to take such action against non-subscribers to the Association as should be considered "consistent with sound policy;" that indefinite phrase affording the committee a latitude which was probably intended.

On the 2d of July, in pursuance of orders from the general committee, those who were known to be non-associators appeared at Charlestown and twenty-two of them refused to sign the pledge of loyalty to the Constitution and the Association. They assigned their reasons, which were obvious and potent, for most of them were officers of the crown.

#### A CONSCIENTIOUS OBJECTOR, WILLIAM WRAGG

The most prominent objector was William Wragg. He had been appointed chief justice by the king and, although he had not accepted the office, he was still grateful for this mark of royal esteem, and, in addition, he held that he "had a right to exercise his own judgment in the premises, although in doing so his sentiments might differ from the general voice." A few days after the meeting, the General Committee decided that his reasons were not satisfactory, but, after long debate, required that Mr. Wragg take an oath not to oppose the proceedings of the people pending the dispute between Great Britain and America. As he refused to do this, the committee declared his conduct inimical to the liberties of the colonies and ordered him into confinement at his barony on the Ashley River.

William Wragg's career and principles typified a South Carolina

character for which one can have nothing but admiration, however much he differed from his people in his sublimated loyalty to his king. Not long after he retired to his estate on the Ashley River, he was compelled to leave the province altogether. "Embarking on board a vessel bound to Amsterdam," says McCrady, "when near that port the ship was driven on the shore, and, in endeavoring to save the life of an infant son who accompanied him, he lost his own. A tablet in Westminster Abbey commemorates the loyalty and heroism of this good man, who gave up family, country and fortune, rather than swerve from his convictions of duty, though those convictions were opposed to the sentiments of his nearest and dearest friends and kindred. When South Carolina is counting up her heroes of this momentous time, let her not forget William Wragg, who dared to differ with his people and to sacrifice everything for the truest of all liberty—the liberty of his own conscience." \*

Other respectable citizens in comfortable circumstances refused to subscribe to the Association and left the province. Those who remained and who would not even agree to be neutral, were outlawed, but the proposition of the radical party to confiscate the estates of all the non-associators who thus became absentees was defeated by the moderates. The non-associators were then ordered to surrender their arms and confine themselves to the limits of Charlestown. In all the extreme measures undertaken against those who would not subscribe to the cause of independence, William Henry Drayton and Arthur Middleton, were the leaders, representative of the young, hot blood, while Rawlins Lowndes, Henry Laurens and Charles Pinckney, of the older generation, were more conservative and often the opponents of the more radical group. Mr. Lowndes was regarded by the extremists as the chief stumbling block in the province to complete independence.

There was one non-associator, however, in South Carolina, with whom not even the most extreme of the radicals cared, or perhaps dared to deal harshly; and he was Lieutenant Governor Bull, still residing quietly at Ashley Hall. The General Committee finally waited upon him and although he politely refused to subscribe to Association, he was not even pressed to reconsider his attitude.

#### GERMANS AND <sup>Wm</sup>SCOTCH-IRISH OPPOSE INDEPENDENCE

The Council of Safety and citizens of the coastal regions were not only divided as to the course to be pursued in the widespread disagreements between Great Britain and the colonies, but the large German element of Orangeburg and Saxe-Gotha townships which had percolated into the up-country along the Broad and Saluda rivers was opposed, as a body of substantial citizenship, to independence. They had been assisted to found their homes by the generous citizens of London and the British government—and why should they cut themselves completely away from their old-time supports? Church matters had not vexed them, they cared nothing for the abstract question of the rights of taxation, they drank little or no tea, they had little use for paper, stamped or unstamped, and, in that far-away interior the exactions of the British government had not practically affected them. Furthermore, the king of England was the Elector of Hanover—a brother German!

The Scotch-Irish emigrants, who had been coming into the up-country by way of the mountains of Pennsylvania and Virginia, had

\* The tablet to Wragg was the first erected in honor of an American.

been largely a law unto themselves. Like the Germans, they did not consider their grievances sufficient to desert the mother country and embark in a stormy and unknown sea of adventure.

In the city of Charlestown, Simms tells us, "the foreign settlers, the greater number of whom had been only a few years in the country, were, with the exception of the Irish, almost wholly opposed to the movement, for any object.—They felt no wrong to their interests, they apprehended no danger to their liberties. The Scotch, a people remarkable for their loyalty, were naturally with Great Britain. The German population found no Whig arguments equal to the conclusive fact that George the Third was a Prince of Hanover. The commercial population, with few exceptions, was confined to Scotch and English settlers."

#### FLETCHALL AND KIRKLAND

It only required a leader of some military standing to organize a strong support for the royal cause in the up-country; and he was found. Thomas Fletchall, who resided at Fairforest, now Union County, was colonel of the regiment assigned to that section and was already under the suspicion of the Council of Safety. In reply to a letter written to ascertain his sentiments he plainly said that he was opposed to the Provincial Association.

Colonel Fletchall soon received an accession to the king's troops of upper Carolina, through the desertion of Moses Kirkland from the revolutionary cause. With Capt. John Caldwell, he had occupied Fort Charlotte on the Savannah River, so as to be in position to meet any Indian outbreak from that quarter. Their superior, Major Mayson, had brought some powder and lead from that fort to Ninety-six court house, in what is now the eastern part of Greenwood County. The munitions were in charge of Kirkland's troops, the commander of whom thought he saw a chance to join the stronger cause in the up-country and at the same time injure his military rival, Major Mayson. He therefore notified Colonel Fletchall, who was then holding a general muster of his regiment on the Enoree River, that any force he might send to take the powder and lead would meet with no opposition. Fletchall took the precaution to send the officer of another regiment, with Robert and Patrick Cunningham, well known in Ninety-six district, the force dispatched consisting of 200 horses. The ammunition was quietly surrendered, and two companies of the revolutionary troops (including Kirkland's command) went over to the King's Own. The entire force numbering, it is said, 1,500 men, then formally subscribed to an agreement pledging loyalty to the king. A correspondence was opened between Colonel Fletchall and Lord William Campbell, and it seemed, for a time, as though all of upper Carolina was massed against the Provincial Congress and the principles for which it stood. McCrady suggests that had the royal governor acted boldly at this crisis, the Independence movement in South Carolina might have been thwarted.

#### DRAYTON AND TENNENT TO THE UP-COUNTRY

The Council of Safety resolved to send Mr. Drayton and the Rev. William Tennent, who was serving on the Secret and Intelligence committees of the Congress, to explain the situation to the people of the up-country and endeavor to pacify them. They were also given authority to call upon the militia to enforce any measure which they should deem

necessary. When they arrived in the Sax-Gotha settlement on the Congaree (now in Lexington County), they endeavored to gather the Germans by requesting the assistance of influential people in the neighborhood, to collect them through the captains of militia, or to call assemblies through the good offices of Lutheran clergymen. Non-subscribers to the Provincial Association were even threatened with being boycotted by the stores at the Congaree or in Charlestown. But the stolid Germans refused all overtures from the revolutionary leaders.

In this campaign of words, which gradually developed into one of action on the part of the opposing militia, William Henry Drayton would necessarily play the leading role. The plan was for Mr. Drayton to cover the country between the Broad and Saluda rivers, his associate being Joseph Kershaw, who afterward became prominent in the military affairs of the colony. Mr. Tennent was to canvass the territory between the Broad and the Catawba. But Mr. Drayton found the Germans of the Dutch Fork and the north side of the Saluda as stubborn in the face of his pleas, or threats, as those of Saxe-Gotha. He left the country without having made a single convert, or, as he wrote, "We made the best of our way from this stiff-necked generation." At King's Creek, on the lower Enoree River, though he publicly debated the questions at issue with Robert Cunningham, the pages of the Association paper remained blank.

On the 17th of August, 1775, Messrs. Drayton, Kershaw and Tennent, with others, met Colonel Fletchall at his residence in Fairforest, and endeavored by argument, flattery, cajolery and every other influence, to wean him from his support of the royal cause, but, says Drayton, "All that we could get from him was this: 'He would never take up arms against the king or his countrymen, and that the proceedings of the Congress at Philadelphia were impolitic, disrespectful and irritating to the king.'"

Colonel Fletchall had the firm support of Thomas Browne, a Scotch trader of the up-country, who had been tarred and feathered and all but tortured for his ultra-Tory utterances; of Robert Cunningham, and of Maj. Joseph Robinson, who had drawn up the paper in opposition to the Provincial Association which had been generally signed by the up-country people and unanimously by Fletchall's troops.

#### WORDS FOLLOWED BY MILITARY ACTIONS

While Mr. Drayton was endeavoring to make progress with his propaganda at Snow Hill, nearly opposite Augusta, he received word that Kirkland, the deserter, had visited Governor Campbell at Charlestown, escaped arrest by the Council of Safety, returned to the up-country with the necessary royal commissions and that he was to lead the king's men against Fort Charlotte and Augusta. They were to meet on the 29th of August, about twenty miles above Snow Hill.

At this critical juncture, Drayton showed considerable military skill in the disposition of the forces which could be readily handled to offset Kirkland's threatened attack. About 900 of his men, under Major Williamson, Colonel Thomson and Colonel Richardson, were to be posted about ten miles above Kirkland's forces, with others at the Ridge and the mouth of the Enoree. He then issued a proclamation warning all persons against giving Kirkland or his men any support or encouragement. These decisive steps so disconcerted the traitor to the people's cause that, after a few days, he fled to Charlestown and thence, by the governor's direction, took refuge on the sloop-of-war, Tamar.

## UNAUTHORIZED FLETCHALL-DRAYTON TREATY

Colonel Fletchall, with Cuninghame and Browne, remained to be dealt with according to circumstances; and the outstanding fact was, as Drayton learned from his friend Middleton, that the Council of Safety was divided as to the wisdom of carrying what promised to be civil war in South Carolina any farther. When Drayton's forces of about 1,000 men were, therefore, on the point of moving against Fletchall's 1,200 men, and the latter offered to treat for peace, the leader of the revolutionists, who had issued another proclamation, thought best to negotiate. Suggestions were exchanged, and on the 16th of September, 1775, a treaty was signed, with Mr. Drayton and Colonel Fletchall as the main signatories. By its provisions, it was declared that opposition to the Provincial Association proceeded from no ill-will toward the Congress, but only from a desire to enjoy the customary peace and tranquillity; that no aid to the British cause had been intentionally given or would be extended in the future; that they agreed to deliver to the Congressional authority anyone who reflected upon its proceedings or opposed them, and that the Council of Safety or the General Committee agreed to punish any person who, having signed the Association, molested any of those who had not. But though Mr. Drayton had full power to make the treaty, Colonel Fletchall did not, and Robert Cuninghame and other royalists or Tory leaders of the up-country promptly and indignantly repudiated it.

Although the Council of Safety wished as far as possible to avoid civil war and the division of the home forces, it had determined upon a decisive step toward the complete severance of all relations between the province and the British empire; and that step was taken, by its orders, on the day before the conclusion of the inconclusive peace between Drayton and Colonel Fletchall, in the occupation of Fort Johnson by the provincial troops. Governor Campbell at once took refuge on the sloop-of-war *Tamar*, then lying at anchor in the Charlestown harbor.

## LAST COMMUNICATION WITH THE ROYAL GOVERNMENT

My Lord had made an effort, in July, to pacify and gain the confidence of the Commons House, of which Rawlins Lowndes was speaker, but naturally was unsuccessful, as that body was the same as the Provincial Congress in everything but name, and in that its president was Henry Laurens. The House was sorry and appreciated the governor's kind words and good intentions, but as the point had been reached when its meetings depended on the pleasure of the crown, another representative body had been created for special purposes and to carry out the wishes of the people.

The house adjourned from time to time, until finally Governor Campbell refused to further recognize such action, and in August a gunner at Fort Johnson was tarred and feathered for his outspoken criticisms of the association and all it stood for. In his new coat he was paraded through the principal streets and halted before the doors of the leading Non-Associators and Tories of Charlestown. Robert Wells, editor of the *South Carolina and American General Gazette*, the rival of the *South Carolina Gazette*, was an object of special warning.

It was necessary that the governor should take some notice of the application of the coat to the Fort Johnson gunner, which he did in a message delivered to the Commons House on August 15, 1775, and made it the occasion to lay before that body the momentous state of

affairs which had been reached. "In a word, gentlemen," he said, "you well know the powers of the government are wrested out of my hands. I can neither protect nor punish. Therefore, with the advice of his Majesty's Council I apply to you, and desire, in this dreadful emergency, you will aid me with all the assistance in your power in enforcing the laws and protecting his Majesty's servants, and all other peaceable and faithful subjects in that quiet possession of their liberty and property which every Englishman boasts it is his birthright to enjoy, or you must candidly acknowledge that all law and government is at an end. Sorry I am to add that some particular insults offered to myself, make it necessary that I should be assured of the safety of my own family, and that its peace is not in danger of being invaded."

The committee which replied to the governor's message was headed by his friend and host, Miles Brewton, and the purport of the answer was that in the midst of civil tumult and when danger from intestine foes threatens, it is impossible to "prescribe limits to popular fury." Sorrow was expressed for any insults which had been offered his Excellency, and assurance was given that "every endeavor would be used to promote and inculcate a proper veneration and respect for the character of his Majesty's representative."

The governor's message and the reply made by the House committee were the last communications which passed between representatives of the crown and the people, of a civil nature, in South Carolina.

#### GOVERNOR CAMPBELL EXPOSED

Four days before he boarded the British war ship as a royal fugitive, he had arranged a meeting there with Moses Kirkland, the up-country deserter. The General Committee had obtained intelligence of this arrangement through the arrest of one of Kirkland's comrades, who was induced to accompany Captain McDonald, of the First Regiment of Infantry (provincial), to the governor's residence. The captain went in the guise of a countryman, one of Kirkland's sergeants, and obtained information which definitely connected his Excellency not only with maintaining close relations with the up-country movements, but with a general scheme of the king to bring South Carolina and all the British colonies in subjection to his authority.

Middleton and Drayton were in favor of taking the governor into custody forthwith. The General Committee first demanded from Lord William the up-country correspondence and his dispatches and instructions from England, which he refused. The moderates then voted down the proposition to arrest him; after which came the great step forward of September 15th, by which the provincial troops occupied Fort Johnson. Thenceforth, South Carolina could not turn back.

Under orders from the Council of Safety, Col. William Moultrie posted a detachment of artillery at the bastions, but during the night of September 15th, some hours after having delivered his refusal to the General Committee to produce the desired communications which had passed between him, the leaders of the up-country movements and the crown, the deposed governor, had instructed Innes, his secretary, and a portion of the crew of the Tamar, to dismount all the cannon of Fort Johnson, and this had been successfully accomplished.

Having occupied the bastions of the town with his artillery, Colonel Moultrie now ordered the companies of provincial troops commanded by Capts. Charles Cotesworth Pinckney, Barnard Elliot and Lieut. Col. Isaac Motte to take possession of the fort which commanded the entrance to the harbor. Information had been received of the landing



- of Secretary Innes and British tars and, as it was thought that step had been taken to garrison Fort Johnson, preparations were made to storm it. Colonel Moultrie's men were divided accordingly. They were transported in a small packet, which had only two smaller landing boats, and when the companies commanded by Captains Pinckney and Elliot had waded ashore, without waiting for Marion's men (the Motte command), they at once moved against the fort. To their surprise and perhaps relief, they found its gates open, its cannon dismantled, and a garrison which consisted only of Gunner Walker and four other men, who were taken prisoners.

On this day, so big with events for South Carolina and America, after the seizure of Fort Johnson, the governor issued a proclamation dissolving the Commons House of Assembly, and again took refuge aboard the *Tamar*, anchored in Rebellion Road. As one of his most valued possessions, he took with him the Great Seal of the province. Two weeks afterward, while still thus safeguarded, he refused the offer of the General Committee that he return to Charlestown, with guarantees of protection, but with the proviso that he take no active part against the popular movements.

#### FIRST SOUTH CAROLINA FLAG HOISTED

The possession of Fort Johnson suggested to the bolder spirits of the Revolution in South Carolina some fitting emblem of independence, or, at least, some flag by which information could be signaled from the key of the harbor to the authorities ashore. William Moultrie, in his "Memoirs of the American Revolution," says: "A little after we were in possession of Fort Johnson, it was thought necessary to have a flag for the purpose of signals. I was desired by the Council of Safety to have one made. Upon which, as the state troops were clad in blue, and the fort garrisoned by the First and Second regiments, who wore a silver crescent on the front of their caps, I had a large blue flag made with a crescent in the dexter corner, to be uniform with the troops. This was the first American flag which was displayed in South Carolina.

"On its being first hoisted it gave some uneasiness to our timid friends, who were looking forward to a reconciliation. They said it had the appearance of a declaration of war; that Captain Thornborough, in the *Tamar* sloop-of-war, lying in Rebellion Road, would look upon it as an insult and a flag of defiance, and would certainly attack the fort. But he knew his own force and knew the weight of our metal. He therefore kept his station and contented himself with spying us."

When this exhibition of the sovereignty of South Carolina was hoisted from the ramparts of Fort Johnson, in full view of Charlestown and the world, it also flew in the faces of his Majesty's sloop-of-war *Tamar* and *Cherokee* (the latter just arrived in the harbor) and the packet *Swallow*. Two days after the provincial troops had taken possession, the royal fleet sailed up the roadstead, presented themselves within range of Fort Johnson and then returned to their former anchorage. The fort was then reenforced by three companies of the First Regiment and two companies of the Second, among the officers being Capts. John Barnwell, Peter Horry and Francis Huger.

#### DISAGREEMENTS AS TO NAVAL CAMPAIGN

The General Committee and the Council of Safety now coordinated their efforts as much as possible in order to arrive at some plan of

action to drive the king's ships from Charlestown harbor. But whenever a number of vigorous and positive men are assembled to handle a situation fraught with general danger, there are bound to be disagreements. In the absence of Colonel Gadsden, who was in attendance at the Continental Congress, Colonel Moultrie was in command of the forces organized for the defence of Charlestown and the harbor. Members of the two committees who were acting, in the absence of legislation by the Provincial Congress, did not propose to leave the defence of South Carolina with the Colonel alone, and he, in turn, ridiculed most of the plans proposed.

So the Congress was summoned by the General Committee to suggest a united plan of action. That body met on the first of November, 1775, and elected William Henry Drayton its president, thus displacing Colonel Henry Laurens, who was recognized as a more conservative member. Besides Charles Pinckney, Arthur Middleton, Charles Cotesworth Pinckney and Thomas Ferguson, the members of the committee appointed to report upon the state of the colony included several gentlemen of middle Carolina outside the charmed circle centered in Charlestown. These were Colonel Richard Richardson, at the head of the Camden military district; William Henry Harrington, captain of a volunteer company from the Cheraws section; Joseph Kershaw, of St. Mark's parish, Drayton's associate in the up-country propaganda, and Stephen Bull, nephew of the lieutenant governor, who was colonel of the militia regiment assigned to Prince William's parish, or the country along the Savannah River. The Ninety-six region, more particularly the up-country of South Carolina, was unrepresented in what was, at that time, the most important committee of the Provincial Congress.

#### SOUTH CAROLINA DECLARES WAR

All history teaches that although great events may sometimes be anticipated with reasonable certainty, the prophet seldom lives who can foresee the manner of their coming. In September and October, 1775, British cruisers had bombarded several cities along the New England coast, with the loss of some life and property, and it seemed probable to the South Carolina leaders that Charlestown would soon be a target. The action of the British admiral, Wallace, against the defenseless port of Bristol, Rhode Island, seems to have made the deepest impression on the South Carolinians, and on the 9th of November their Congress ordered President Drayton to write the following communication, which was a declaration of war against the local British fleet:

"By Order of Congress.

"To Edward Thornbrough, commander of the Tamar Sloop of war.

"Charlestown, November 9, 1775. Sir:—The late cruel cannonade of Bristol by the British ships of war to enforce an arbitrary demand of sheep—the general depredations on the American coasts by ministerial authority—the late advices from England of large military armaments by land and sea for the hostile invasion of the colonies upon the continent, and the proclamation of 23d of August last, at the Court of St. James, by which the good people of America are unjustly described as in avowed rebellion—superadded to the former American grievances, together with Lord William Campbell's threats of hostilities against us—have sunk deep in the minds of the people; who, seeing themselves by the royal act in effect put out of the regal protection, are at length driven to the disagreeable necessity of order—

ing a military opposition to the arms of the British ministry. But the people of South Carolina, remembering that those who point the British arms at their breasts and against their invaluable liberties, are their dear countrymen and once were friends; unwilling, yet determined vigorously to oppose any approach of threatening danger to their safety, have directed me to intimate to you, sir, as commander-in-chief of the British armament in this station, that orders are issued to the commanding officer at Fort Johnson by every military operation to endeavor to prevent every ministerial armament from passing that post.

"We thus think it proper to warn you from an approach that must be productive of the shedding of blood; which, in other circumstances, we would endeavor to preserve.

"I have the honor to be, sir, your most humble servant,

"WILLIAM HENRY DRAYTON, President."

#### IMPORTANT, BLOODLESS NAVAL BATTLE

Hostilities between the British and Americans did not result directly from this challenge, but from the sinking of the old schooners which the Congress had purchased to obstruct the channels between the marshes and the mainland of Christ Church parish, known as Marsh and Hog Island channels. To cover that work a schooner, the *Defence*, with Captain Tufts in command, had been assigned, with thirty-five marines in command of Capt. William Scott. Two of the old schooners bought for the purpose had been sunk in Marsh channel, and it was proposed to sink the other four in Hog Island Creek. Mr. Drayton was aboard the *Defence* to generally superintend operations.

On the 11th of November, the four old hulks, accompanied by the *Defence*, dropped down the creek, and, under the direction of Captain Blake, they approached their destination. As Mr. Drayton had anticipated and desired, the *Tamar* opened fire upon them, delivering six shots, which all fell short. The British commander then stopped fire. But Mr. Drayton did not propose that the engagement should end there. When the *Defence* reached her anchorage, he ordered her two nine-pounders, which had a longer range than any guns on the British sloop, to open fire on the *Tamar*. The latter replied with three or four shots, and the *Defence* answered with one. In the meantime, Captain Blake had succeeded in sinking three of the hulks before the turn of the tide, leaving one only unplaced.

Early in the morning of the 12th of November, 1775, both the *Tamar* and the *Cherokee* directed their fire against the *Defence* from the shelter of Hog Island, and continued it for nearly three hours. All the Charlestown militia and volunteers thereupon took their posts, and a crowd of citizens gathered on the wharves of East Bay to witness the engagement and consult upon the critical situation. The garrison at Fort Johnson also had a small hand in the engagement, as they fired three twenty-six pound shots, one of which fell within a few yards of the *Tamar* and two passed through the enemy's riggings.

In the meantime Captain Blake had scuttled the fourth hulk in Hog Island channel, but the *Defence* had retreated, and the British commander sent an armed boat to fire the sinking schooner, tow it from the deep channel and sink it in shallow water. Drayton's "Memoirs," which contains a spirited account of the engagement, says that between seven and eight o'clock in the morning, the *Defence* came up to the town and anchored in the stream about opposite to where the Custom House now stands, where Colonel Pinckney and many of the citizens saluted her with cheers; and, in a few minutes after, Mr.

Drayton landed on the wharf amidst the congratulations of his fellow-citizens, he having been on board the *Defence* during the whole affair. Three shots had hit the *Carolina* boat, but no material damage had been inflicted, and there were no casualties on either side. Still the events were of supreme importance, as acts of war had been committed by both Americans and British, and the Revolution was a certainty.

#### EXTENSION OF DEFENSIVE PLANS

Congressional events were moving as rapidly as naval actions in the harbor; for on the 11th of November, when the engagement opened (which was Sunday), after divine services had been held the Congress ordered the outfitting and manning of the *Prosper*, as a frigate of war, with the avowed purpose of joining the *Defence* in the capture or sinking of the British ships in Charlestown harbor; also additional batteries were to be erected. The Georgia Council of Safety was informed of the engagement in *Rebellion Road*, and immediate aid was solicited, and President Drayton, Col. Charles Pinckney and Thomas Heyward, Jr., were given absolute authority to take any steps they might think necessary for the public safety until the meeting of the Congress on the following day (Monday, the 12th).

Notwithstanding these definite acts of war, the Congress and the people were still divided as to whether the breach should be made so wide that it could never be closed. After the commander of the *Prosper* had been appointed, officers named for the additional troops which had been authorized, the emergency committee enlarged and the functions of the Council of Safety defined, some members of the Congress still evinced a lurking feeling of fondness for Lord William Campbell, who was safely installed on the sloop-of-war, *Cherokee*. On the 27th of November, 1775, about two weeks after the engagement in *Rebellion Road*, it was resolved that "previous to any attack upon the men-of-war in the road, the intended attack upon such ships shall be notified to Lord William Campbell, if he shall then be on board."

The Provincial Congress then ordered the erection of a battery on South Bay, Charlestown, the destruction of the landmarks over Charlestown bar, the establishment of a general rendezvous of the militia at Dorchester, the erection of lookouts on the sea islands, and other measures indicating plainly that an open state of war existed with Great Britain, so far as South Carolina was concerned. An adjournment was taken from the 29th of November, 1775, to the first day of February, 1776.

#### CIVIL WAR DRAWS FIRST BLOOD

In the meantime, it was the Civil War between the loyalists of the up-country and the radical Revolutionists which had drawn first blood in South Carolina. Capt. Robert Cunningham had been arrested and brought to Charlestown, charged by Capt. John Caldwell with seditious language. The people of the up-country were much incensed by that action, and their feeling against the Congress and the low-country element was further intensified by the belief that a promised supply of powder and lead which Mr. Drayton had dispatched to the *Cherokees* was to be used against them. Patrick Cunningham determined to rescue his brother, the arrested captain, but although he and his force failed in this, he did seize the ammunition which was on its way to the Indians.

Maj. Andrew Williamson thereupon assembled the militia of Ninety-six district, which he commanded, and formed a camp at Long Cane to recover the powder and lead, at the same time sending a letter to the Cherokee Indian agents notifying them of the seizure so that the Cherokees would not take offense and avenge themselves upon the frontiersmen. Led by Arthur Middleton, the radical party in Congress, by a mere majority of two votes, decided to assemble a force under Col. Richard Richardson for the purpose of seizing Patrick Cunningham and the other leaders of the royalist party. Capt. Ezekiel Polk, who had deserted the Patriot cause with Kirkland, but returned, accompanied Colonel Richardson, as well as one Thomas Sumter, then unknown but rather under suspicion from his past association with Kirkland. Sumter was Colonel Richardson's adjutant general.

Major Williamson remained in camp at Ninety-six Court House for almost a fortnight, and both he and Patrick Cunningham, the royalist leader, received re-enforcements. The commander of the revolutionary forces was still loth to believe that the Tory forces would attack him, but November 18th received information that they had crossed the Saluda River and were undoubtedly headed his way. On the following day (Sunday) Williamson was attacked at a position near the courthouse, which he had fortified as well as possible, the enemy being led by Maj. Joseph Robinson and Capt. Patrick Cunningham. The garrison at Ninety-six numbered about 560 men and officers, while the Royalists and besiegers had mustered nearly 1,900. It looked rather serious for the Revolutionists, but while Major Williamson was considering a demand to surrender and disband his men, two of his soldiers were treacherously seized by the royalists. This act so enraged him that he ordered his men to rescue their comrades at any cost. A conflict was thereby precipitated which lasted more than two hours, followed by a siege of two days, which the king's men raised on the 21st, at sunset. The casualties included one man killed and twelve wounded of the Revolutionists, and several killed and twenty wounded of the Royalists.

#### AGREEMENT BETWEEN ROYALISTS AND REVOLUTIONISTS

At the parley held by the opposing leaders on the 21st, Major Williamson refused an unconditional surrender, and on the following day a mock ceremony was arranged which satisfied a large party of the besiegers who had insisted upon the uncompromising terms. Generally speaking, all differences were to be submitted to Lord William Campbell, on the part of the king's men, and to the Council of Safety, by the Williamson forces. The Royalists were to be withdrawn over the Saluda River; all prisoners should be set at liberty, and the fortifications at Ninety-six fort leveled.

#### SUCCESSFUL CAMPAIGN AGAINST UP-COUNTRY ROYALISTS

It is certainly an open question whether Colonel Richardson, under orders from the Council of Safety, acted toward the Royalists in good faith, when he directed his force toward Colonel Fletchall's command over the Broad River. He crossed the Congaree and the Saluda, and on the second of December pushed into Dutch Fork, encamping on December 2, 1775, near McLaurin's store, fifteen miles from the latter river. At that point, several of Fletchall's captains were made prisoners and the commander of the expedition issued a proclamation calling on the inhabitants to deliver the bodies of Patrick Cunningham

and others responsible for the theft of the ammunition and the siege of Ninety-six. There also Colonel Richardson's forces were increased by about a thousand men, making his little army number about 2,500. Colonel Polk's North Carolina troops were coming, 600 strong. As the royalists' messenger to Lord William Campbell had been put in jail, after the mischievous purport of the ex-governor's communication to the up-country party had been drawn from him, the Tory cause was again at a discount.

From this time on, it was a constant retreat of the king's men. Colonel Fletchall and other up-country leaders were captured, and at Liberty Hill, in what is now the eastern part of Fairfield County, he collected the most notorious Tories and sent them, in charge of his son and an escort, to Charlestown. At this place Colonel Richardson was further reenforced by both North Carolina and South Carolina troops, bringing his entire strength to fully 4,500 men. With this considerable force he was able to traverse the whole of the up-country, and penetrated beyond the Cherokee boundary line to the Great Cane Break on Reedy River.

At Cane Break there was an important concentration of Royalist troops, and on the 22d of December, 1775, Col. William Thomson, of the Third Regiment, who had been sent by Colonel Richardson with 1,300 men, advanced to disperse it. The camp was thoroughly broken up, and Patrick Cunningham barely escaped on horseback. Five or six of his men were killed and about 130 taken prisoners. It is said more serious casualties were prevented by Colonel Thomson. There were no fatalities among his men and only one was wounded.

The engagement at the Great Cane Break was the climax of the Richardson campaign, which on account of the heavy falls of snow which occurred during the later period of the marches, was often called the Snow Campaign.

#### LOOKING THROUGH THE BRITON'S EYES

The repeated assertion of American rights has made those principles quite clear in the mind of the average reader of his country's history. It should therefore be interesting for him to turn to the other side and learn how the Briton viewed his own rights in their relation to his kindred of the West. Fortunately, the very data is at hand to furnish the reverse of the American picture, and doubtless presents a phase of the "last gasp of royalty."

A pamphlet was published in London, in 1776, entitled "The Rights of Great Britain Asserted against the Claims of America: Being an Answer to the Declaration of the General Congress." The paper evidently was written with authority, the anonymous author, as he states in his "Advertisement," having had full access to the original papers and the records of both houses of Parliament. The royal champion denied that the colonies were even given the exclusive jurisdiction over matters of domestic taxation.

The pamphlet furthermore claimed that Great Britain had always been a tender, protecting Mother Country, and its words are quoted as setting forth the typical attitude of Britain vs. America. "It may be necessary," it says, "to make an apology for entering so minutely into the argument in favor of the right of taxation. The Americans themselves have deserted that ground. They speak no longer as subjects. They assume the language of rivals and they act as enemies. The question between them and Great Britain (for it is no longer between them and Government) consists of dependence or independence, con-

nection or no connection, except on a footing of a sovereign state. They have already arrogated to themselves all the functions of sovereignty. They have formed a great deliberative Council. They have taken the whole executive power into their hands. They have struck a new currency, raised armies, appointed generals; and that they have not chosen another sovereign must be ascribed more to their Republican principles than to any remains of loyalty for their lawful Prince.

"In this situation of affairs and opinions, it is matter of little surprise that men who deny the authority of the State should load the Legislature with opprobrious epithets. The Congress accordingly stigmatize Parliament with various charges of tyranny, violence and oppression. Passing from this strain of general scurrility, they enter into war encomiums on the ancestors of their constituents. But they now deviate as much from truth in their applause as they had done before in their censure. They affirm that the ancestors of the colonists obtained the lands which they have transmitted to the present race 'without any charge to the country from which they removed.' Their enemies could not wish to meet them on more advantageous ground. The sums expended upon the various provinces, since their first establishment, for their ordinary support, government and protection, having been so enormous, that without the authority of incontestible vouchers, they could scarcely obtain credit."

The pamphlet then goes on to quote the actual figures, under the title: "An account of what sums have been granted to the different provinces in North America, as far as it appears from the estimates for the support of the Civil Government of each province; and also what sums have been granted for the support of the provincial forces in North America."

	£	s.	d.
New York forces .....	339,055	16	8
Carolina in general.....	43,024	9	10½
Georgia—Settling and securing.....	250,853	4	6
Military expenses of settling and securing..	130,066	18	4½
South Carolina forces.....	101,524	5	6
Nova Scotia civil government.....	1,358,240	17	6½
East Florida civil government.....	59,300	..	..
West Florida civil government.....	64,324	13	6
America, in general forces.....	172,999	..	..
Rewards and compensations.....	1,316,511	1	5
	<hr/> 3,835,900	<hr/> 7	<hr/> 4½

The voice from Britain then wails over America's ingratitude in the following strain: "But even granting that the colonists had obtained their lands without any charge to the Mother-country, were they capable of keeping those lands without her assistance? Was it not to defend the Americans that Great Britain involved herself in the last expensive war? Did not those very 'United Provinces,' who now pretend to set the power of this Kingdom at defiance, lay themselves in the dust at her feet, to claim her aid and protection against a single colony? Did they not complain in the same abject terms with the Britons of old, 'that the Barbarians drove them into the sea and that the sea drove them back on the Barbarians?' Did not Great Britain, like a guardian Angel, stretch forth her hand to their aid and, by expelling their enemies from the continent of America, rescue them, not only from danger, but the very fear of danger? Did she not, over and above the

many millions she expended upon the fleets and armies employed in the defence of the colonies, advance more than one million to pay their own native forces employed in their own cause?

"Did not the Mother-country, with more than a mother's fondness, upon all occasions, nourish, cherish and support this prodigal child that left the house of his parent 'to feed on husks with the swine of the desert?' Has she not (to sum up the whole in one point of view) uniformly protected the colonies in war, encouraged their produce with bounties in time of peace, entered into all their quarrels with their neighbors, made their enemies her own; and for their sake, has she not, in some degree, subjected herself to an annual tribute to Indian savages, in whom habitual injuries had raised an irreconcilable hatred to their oppressors? Did she not, too fatally, relinquish great advantages on every side of a successful war, to eradicate the very seeds of future contests in America; and, by giving the colonies unlimited security from abroad, procure for them that prosperity at home which has encouraged them, like parricides, to raise the dagger against her own breast?"

#### BOUNTIES ON AMERICAN COMMODITIES

	£	s.	d.
On indigo, 1749 to 1773, paid by Great Britain	145,022	3	4½
On hemp and flax, 1766 to 1772.....	5,560	8	7¾
On naval stores from America, 1706 to 1729.	430,178	4	6
On naval stores from America, 1729 to 1774.	1,028,584	7	3

The pamphlet then continues for seventy pages or more to review the different acts and declarations of the colonies and the Congress in opposition to British dominion, and concludes the Royal Case by presenting the following authentic estimate as to what Great Britain had done for the colonies from the time of the accession of the House of Hanover, in 1714, to the year 1775:

	£	s.	d.
Money voted by Parliament for military defence	8,779,925	3	11½
Parliamentary grants during the last war.....	1,081,771	11	9½
Bounties to the end of 1774.....	1,609,345	3	9½
Support of civil gov. and provincial forces.....	3,835,900	7	4½
Expenses for forts, ordnance stores, etc. ....	8,779,925	3	11½
	(estimated)		
Expenses for fleets, naval stations, etc. ....	10,000,000		
Annual presents to the American Indians.....	610,000		
	<hr/>	<hr/>	<hr/>
	34,696,867	10	10½





## **PART III**

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**STATE OF SOUTH CAROLINA**

**During the Revolution  
(1776-1783)**



## CHAPTER XXIII

### THE REVOLUTION A FACT (1776)

The War of the Revolution in South Carolina again shifts to Charlestown harbor. The ship-of-war Scorpion had arrived from North Carolina, having aboard the deposed governor of the northern province, Josiah Martin. The captain of the Scorpion, Tolemache, and Lord William Campbell, who was versed in naval affairs, were in favor of an attack on Fort Johnson. Captain Thornbrough demurred. The Scorpion's commander, in December, seized two merchant ships, on one of which was a sum of specie belonging to the rich Legarés of Charlestown. As reprisal, Charlestown citizens seized Lord William Campbell's "chariot" and horses from his residence. At the demand of the Council they were returned to Lady Campbell, who was of the Izard family; but she refused them, and on December 15, 1775, rejoined her husband on the Cherokee.

The tireless and bold Drayton was now appointed commander of the Prosper, assigned to the protection of Charlestown harbor; so he was Captain Drayton, as well as president of the Provincial Congress. The great problem was how to get the British men-of-war out of Charlestown harbor. Mr. Drayton, Dr. David Oliphant and Colonel Moultrie appear to have made a remarkably effective move in a remarkably short period. They decided to erect a battery on Haddrell's Point, and Maj. Charles Cotesworth Pinckney was detailed to conduct the work. He had under him 4 captains, 8 subalterns and 200 rank and file, with a number of mechanics who worked with a will, and with the same spirit that had characterized the meetings under the Liberty Tree. Colonel Moultrie and many "gentleman volunteers" also worked enthusiastically.

Such rapid progress was made that on the night of December 19th and the morning and the forenoon of the 20th, the guns were mounted and fire opened upon the British men-of-war at about a mile distant. The enemy was thus forced from his position and Sullivan's Island made easily accessible for the erection of an American fort thereon, and by January 10, 1776, work on a new battery had begun.

When the captains of the British ships discovered that the Carolinians had erected fortifications and were planting a battery on Sullivan's Island, they weighed anchor and left Charlestown harbor, carrying with them the last royal governor of South Carolina. On the following day, when the same discovery was made by two other British men-of-war, through the very effective demonstration that one of their barges received the salute of a solid shot from Fort Johnson, there was another clearance of enemy craft.

#### INSPIRATION FROM THE CONTINENTAL CONGRESS

Although South Carolina was in the midst of war, the time had come when the government of the province, which had been a series of

make-shifts or temporary expedients to tide over vital emergencies, should be made more permanent and expressive of the will of the people. Fortunately for the future of the colonies and the United States of America, one of the primary impulses leading to action along that line came from the Continental Congress as expressed through its South Carolina delegates. As early as June, 1775, Massachusetts had asked the advice of the continental body in the formation of its government, and John Adams had suggested that the Congress make like recommendations to the other colonies. But the general proposition at that time was not to achieve complete independence; only to set up some form of government, through which the people could realize their rights, pending a settlement of the quarrel with Great Britain. New Hampshire also asked advice in October, and in the following month, largely through the efforts of Mr. Adams and John Rutledge, a resolution, reported by a committee of which Harrison of Virginia was chairman, was passed through the Continental Congress, as follows:

"Resolved, that if the convention of South Carolina shall find it necessary to establish a form of government in that colony, it be recommended to that convention to call a full and free representation of the people, and that this said representation, if they think it necessary, shall establish such a form of government as in their judgment will produce the happiness of the people and most effectually secure peace and good order in the colony during the continuance of the present dispute between Great Britain and the colonies."

On the 3d of February, 1776, the foregoing resolution was referred to the South Carolina Council of Safety, with the addition of Messrs. William H. Drayton, Col. George G. Powell and Maj. Charles Cotesworth Pinckney. A few days after this action, the provincial delegation to the Continental Congress returned to South Carolina to participate in the formation of the government. On the 10th of February, 1776, Colonel Laurens submitted the report of the committee to which the resolution of the Continental Congress regarding the South Carolina form of government had been referred, and during the course of the debate upon it Christopher Gadsden submitted as his own the sentiments Tom Paine's pamphlet on "Common Sense," which called for absolute independence from British dominion.

"This last sentiment," says Drayton, "came like an explosion of thunder upon the members of the Congress; as the resolution of the Continental Congress upon which the report for a form of government was grounded had by no means led them to anticipate so decisive a step; neither had the majority of the members, at that time, any thoughts of aspiring at independence. A distinguished member in particular (John Rutledge), declared he abhorred the idea; and was willing to ride post, by day and night to Philadelphia, in order to assist in reuniting Great Britain and America; and another called the author of 'Common Sense' ————. Even the few who wished for independence thought Colonel Gadsden imprudent in thus suddenly declaring for it, when the house was unprepared for considering a matter of such importance."

Notwithstanding the diversity of opinion that appeared in Congress, and the excitement occasioned by Gadsden's bold and unexpected avowal, the report of the committee was adopted without alteration in its language, to the effect that "the present mode of conducting public affairs was inadequate to the well-governing of the good people of the colony, and that many regulations were wanting to secure peace and good order, during the unhappy disputes between Great Britain and the colonies."

## NEW SOUTH CAROLINA CONSTITUTION

On the following day (Sunday, February 11th), a committee of eleven was chosen by ballot, to prepare and report to the Provincial Congress a plan or form of government. Its members were C. C. Pinckney, John Rutledge, Charles Pinckney, Henry Laurens, Christopher Gadsden, Rawlins Lowndes, Arthur Middleton, Henry Middleton, Thomas Bee, Thomas Lynch, Jr., and Thomas Heyward, Jr.

On the 4th of March, the committee brought in its report, but its consideration was postponed until the following day to give absent members of the Congress who resided within sixty miles of Charlestown a chance to attend the all-important session, they being notified by special messengers at their own expense. During the succeeding three weeks, the discussions between the conservatives and radicals continued at high tension, but the scales were tipped decisively toward the plan of forming a well defined representative government by the receipt of news from overseas, on March 21st, of the passage of the Parliamentary act of the previous December, declaring the colonies in actual rebellion against the mother country and authorizing the seizure of enemy property or persons, by sea or land, as well as legalizing all such acts perpetrated previous to the passage of the measure mentioned. This uncompromising declaration from the British Parliament convinced many of the moderates that a reconciliation was most improbable, and that South Carolina must act promptly in the interest of her own self-preservation.

Three days after the reception of the news from England, by way of Savannah, John Rutledge, on behalf of the committee, reported a preamble to the proposed constitution,—if such a “plan of provisional government” can fairly be called a “constitution.” It was drawn by him and recites, in concise and strong language, the causes of the war, the wrongs of the colonies, and the necessity of establishing a plan for regulating the internal policy of the colony.

Under the constitution, which was adopted, with its several amendments, on the 26th of March, 1776, the legislative authority was vested in a president, General Assembly and Legislative Council. The Congress was to constitute the General Assembly until the ensuing October, when members were to be chosen, and afterwards biennially from the respective districts and parishes of the State. The number thus chosen was to be equal to the representation in the Congress.

The Legislative Council consisted of thirteen members, elected biennially by the General Assembly out of their own body.

The president was chosen by the General Assembly and the Legislative Council, either from among themselves or the people at large. He was vested with the executive authority of the State and allowed a salary of £9,000 annually.

The judicial power was vested in a Court of Chancery and courts of law. The Court of Chancery was composed of the vice-president and Privy Council, who were chosen by the General Assembly and Legislative Council, and whose ordinary duty was to advise the president when required. The chief justice and assistant judges were chosen in the same manner and commissioned during good behavior.

All money-bills originated in the General Assembly and could not be altered or amended by the Legislative Council, though they might reject them. Bills of a different character could be initiated in either branch, and be altered or rejected by the other. The president had a negative upon their acts.

No change was made in the laws of the State, and all pending suits

could be prosecuted, if either party desired it, to a final termination in the courts originating in the constitution.

As stated by Henry Flanders in his "Lives of the Chief Justices": "This constitution was hailed by the people with great satisfaction. It virtually extinguished all authority under the crown. It professed to be temporary. It was carried after a long debate, that it should be continued 'until an accommodation of the unhappy differences between Great Britain and America could be obtained.' But sagacious minds perceived that independent governments, once established, the people would never consent to give them up."

The phrase quoted is contained in the preamble to the constitution itself, drawn, as stated, by John Rutledge, who also was elected "President and Commander in Chief" of South Carolina. Henry Laurens was chosen vice-president and William H. Drayton, chief justice. Neither Rutledge nor Laurens was yet in favor of independence. Chief Justice Drayton stood with Gadsden, and in his first charge to the grand jury at Charlestown, after the judicial honor had been conferred, took occasion to relieve his mind of his patriotic sentiments, as he had previously done, when making the judicial circuits of the province. Upon this occasion, he expounded to his fellows the new constitution, recited the colonial grievances against Great Britain, and concluded with the outspoken declaration: "The Almighty created America to be independent of Britain." In the light of events which were to follow, the chief justice seems not to have overshot the mark, however bold it might have seemed at the time.

About a month before the adoption of the new constitution, the Provincial Congress, had elected as delegates to the Continental body, Arthur Middleton, a progressive, in place of the conservative, Henry Middleton, who had declined to return to Philadelphia on account of advanced age; and Thomas Heyward, Jr., a conservative, to succeed Christopher Gadsden, who was wanted as a military leader at home. John Rutledge, Thomas Lynch and Edward Rutledge had been re-elected, and to these five was added Thomas Lynch, Jr., who was unanimously chosen by the General Assembly that he might join his father in Philadelphia, where he had been stricken with paralysis.

On the 23d of March, 1776, still three days before the constitution was adopted, the Provincial Congress authorized its delegates to execute any measure which a majority of the Continental Congress should "judge necessary for the defence, security, interest or welfare of this colony in particular and of America in general."

As fixed by the constitution, the General Assembly was to have a membership of 202. The parishes of St. Philip's and St. Michael, which composed Charlestown, were allotted thirty members; and the other eighteen parishes, excluding St. Mark's, six each. The Low Country was to be allowed 138 and the remainder of the province, 64. St. Mark's parish (present counties of Clarendon, Sumter, Lee, Kershaw and Lancaster), ten members; Ninety-six, ten; Saxe-Gotha, six; between the Broad and the Saluda (counties of Newberry, Laurens, Union and Spartanburg), twelve; between the Broad and the Catawba (Richland, Fairfield and Chester counties), ten; the New Acquisition (York County), ten; between the Savannah and North Edisto (Barnwell, Aiken, Bamberg and Edgefield counties), six members.

#### GADSDEN IN CONTROL OF CHARLESTOWN DEFENCES

Immediately after reaching Charlestown, fresh from his labors in the Continental Congress, Christopher Gadsden assumed command of

the military situation at Charlestown, with his headquarters at Fort Johnson. Besides the militia of more than 1,000 men, who were ordered to be drafted for the defence of the town, there were two regular regiments of foot, one regiment of rangers, two regiments of rifles, one regiment of artillery, and three artillery companies—one each of the last named being posted at Charlestown, Georgetown and Beaufort. The artillery companies were composed of volunteers.

Christopher Gadsden was colonel of the First Regiment of Foot, and Charles Cotesworth Pinckney, lieutenant colonel. The Second Regiment of Foot was officered as follows: Colonel, William Moultrie; lieutenant colonel, Isaac Motte; major, Francis Marion. Lieut.-Col. William Thomson commanded the Third Regiment Rangers, and James Mayson was its major. Owen Roberts was lieutenant colonel commanding the artillery regiment, and Isaac Huger, colonel of the First Rifle Regiment. The Second Rifles were commanded by Thomas Sumter, lieutenant colonel. William Harden was captain of the Beaufort artillery company; Paul Trapier, of the Georgetown artillery, and Thomas Grimball, of the company at Charlestown.

Not a few historic names are recognized in the list of commanders thus identified with the defence of South Carolina soil. Although the preamble to the new constitution had expressly stated that the government formed under it was only temporary, it was the general belief that it was the commencement of real independence, and was as truly a defiance of the British Parliament as had been President Drayton's manifesto to the British navy, issued by order of the Provincial Congress.

#### BRITISH FLEET HEADED FOR CAROLINA

In December, 1775, there was little question how Great Britain viewed the attitude of the colonies toward her government. However much they might protest, they were rebels and were branded as such by Parliament, and at about the time that a formal statement was made to that effect several regiments of British regulars and a large fleet of frigates and smaller ships were dispatched for service in southern waters. The Carolinas were the special destination of this great military expedition—the naval demonstrations to be undertaken under the direction of Admiral, afterward Sir Peter Parker, and the land forces marshalled by Sir Henry Clinton. The latter had met the deposed governors of North and South Carolina in New York and taken them to Cape Fear, where it was the intention of the British to set up a royal government among the Highlanders, as a rallying point for the Tories of both the Carolinas. But the movement failed, and when Sir Peter's squadron arrived at Cape Fear in May, 1776, it found Sir Henry Clinton there, with Lord William Campbell. The latter's offer to serve under Parker as a naval officer in the contemplated reduction of Charlestown and the rebellious province of South Carolina was accepted.

#### LEE COMMANDS SOUTHERN DEPARTMENT

In the meantime Maj.-Gen. Charles Lee had been placed in command of the Southern Department of American military operations, which embraced Virginia, the Carolinas and Georgia. It was evident that the reduction of Charlestown was to be the key to the entire British campaign in the South, and Lee's responsibilities were therefore great.



General Lee set out for his southern command, headquarters at Charlestown, in March, and, while stopping at Norfolk, Virginia, ordered 500 continental troops from that colony and 1,400 from North Carolina, to rendezvous at Charlestown. Clinton had sailed southward, as Lee learned at Norfolk.

On the 1st of June, 1776, the fleet of British ships under Sir Peter Parker, upwards of fifty sail vessels, including transports, cast anchor a few miles to the north of Charlestown bar. Brig.-Gen. John Armstrong, of the Southern Department, had been in command of the troops in the vicinity of Charlestown for about a month when the British squadron appeared. President Rutledge sent expresses to order out the militia and, with General Armstrong, inspected the fortifications. Every warlike preparation was made to give the besiegers the warmest possible welcome.

Further confidence was inspired among the stout-hearted people of Charlestown and South Carolina, by the arrival of Major General Lee, on the fourth of June. He was accompanied by Brig.-Gen. Robert Howe of North Carolina and other officers who had joined the expedition. They arrived at Haddrell's Point, on the mainland opposite the cove of Sullivan's Island. After viewing that post and the fort on Sullivan's Island, which was not yet completed, the party of inspection went to Charlestown. General Lee was again in the very tracks of Clinton.

#### LEE AS CLINTON'S EVIL GENIUS

In the introduction to the "Memoirs of Major General Lee, one reads: "And here it may be mentioned as somewhat remarkable, that when General Lee received orders, at Cambridge, to repair to New York, to watch the motions of the British, he met General Clinton the very day he arrived there; when he came to Virginia, he found him in Hampton Roads, and just after his arrival in North Carolina, General Clinton left Cape Fear. Their next meeting was at Fort Sullivan, which must have made Lee appear to Clinton as his evil genius, haunting him for more than 1,100 miles along a coast of vast extent, and meeting him at Philippi."

On the water-front along East Bay strenuous preparations were being made to resist the expected British assault. Even the large stores and warehouses along the wharves were razed that the musketry and cannon might have a free sweep seaward from the line of earthworks which had been thrown up. Further, as noted by McGrady, on the authority of Drayton's "Memoirs;" "As lead was scarce, the weights from the windows of the houses in the town were taken out by their owners to be cast into musket balls. Works were thrown up and traverses erected across the streets, which might be raked by the fire of an enemy. All men labored with alacrity; some for the sake of the example and others for the usefulness of their labor. In a short time the works were so far advanced as to give some sense of security to the inhabitants, encouraging them with hopes of successful resistance. The public records and the printing-presses had been removed from the town to a place of safety. The Gazette was thus suspended from the 1st of June to the 1st of August."

#### BRITISH FLEET AND TROOPS GETTING INTO POSITION

After sounding Charlestown bar and marking the channel with buoys, for several days, most of the British fleet crossed it and an-

chored in Five Fathom Hole. Under a misapprehension, the first flag of truce sent out by the British commander was fired upon; the second one reached President Rutledge and Colonel Moultrie, but only brought a proclamation from Sir Henry Clinton to return to his Majesty's fold and all would be forgiven. The proclamation was received, but not answered. The British transports then landed several hundred men on Long Island, and on the 10th of June the flagship Bristol, with most of the fleet, passed over the bar and anchored about a league off Sullivan's Island.

In the meantime (on the 8th and 9th), General Lee had assumed command of the South Carolina troops, with the permission of President Rutledge, although Rutledge never did give up entire control of affairs. The provincial militia and regulars had not yet been taken into the continental line but they were declared subject to Lee's orders, and the commander-in-chief therefore issued his orders direct to Colonel Moultrie, who was in active charge of operations on Sullivan's Island.

#### CONDITION OF FORT SULLIVAN \*

At the time when preparations were thus being made by this weak military community to meet the shock of war to be launched against it from mighty Britain, Fort Sullivan, the immediate object of attack, was in far from completed condition. It was planned in the form of a square, with a bastion at each angle, and designed to accommodate a garrison of 1,000 men. But it was only about one-half finished, the front (southeast curtain and bastions) and the southwest curtain being complete. Along these sides had been erected platforms, on which the guns were mounted. A blue flag fluttered from the southeast bastion, at the front of the fort, and flaunted the word "Liberty" in the face of the great British battle ships anchored in the harbor. On the southeast bastion over which floated the flag, three eighteen and two nine pounders were mounted. McGrady thus describes the rest of the armament: "On the southeastern curtain six French twenty-six pounders and three English eighteen pounders were placed, and on the western bastion connected with it three French twenty-six pounders and two nine pounders. On the southwestern curtain six cannon were mounted, twelve and nine pounders." A few twelve pounders were judiciously distributed, and so "the whole number of guns mounted in the fort on each side was thirty-one, of which only twenty-five at any possible time could bear upon the enemy, stationed in front of the fort." Four nine pounders, not yet accounted for, could be scarcely used.

The sides of Fort Sullivan which were ready equally for defence or offense were built of palmetto logs, laid one upon the other in parallel rows sixteen feet apart and ten feet above the gun platforms, which were supported by brick pillars. The spaces between these huge palmetto logs were filled with sand, and where they came together were not only solidly notched, but bolted together and strengthened with pieces of heavy timber.

The unfinished curtains and bastions to the northeast and the northwest were logged up only about seven feet, high enough to protect

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\* This fort known in history as Fort Moultrie, before the first engagement with the British, has generally been called, as in the text, "Fort Sullivan." It may be questioned whether it ever bore that name officially, for Lieut. Henry Gray, who took part in its defence, writes under a spirited water-color sketch which he made of the battle: "The unsuccessful attack on the Fort on Sullivan's Island, the 28th June, 1776."

the riflemen, or other defenders. The rear of the fort was also defended by hastily constructed side-works, thrown out on either side of the angles, and each mounted with three twelve pounders. The powder magazine was located in the northeast bastion, which extended toward Long Island on which the British troops were concentrating.

When all was as ready as possible for the attack and defence, Col. William Moultrie had under him at Fort Sullivan, some 435 men—the Second South Carolina Infantry and a detachment of the Fourth Artillery Regiment, and of that number, thirty-six were sick and unfit for duty. The little “army” was encamped in huts and booths covered with palmetto leaves, at the rear of the fort proper, which was manned by its special guards. A gang of mechanics and laborers were also feverishly working to finish the uncompleted sides of the fort, threatened with investment by the British troops which Clinton had landed.

#### COMPARATIVE BRITISH AND AMERICAN LAND FORCES

The enemy force in opposition on Long Island numbered nearly 3,000 men. Serving under Sir Henry Clinton was Major General (Lord) Cornwallis, afterward to attain great distinction, and Brigadier-General Vaughn.

The British commander had erected works for both mortars and cannon, on Long Island, now the Isle of Palms, and also had an armed schooner and some floating batteries to assist his land forces in the coming investment. On the northeastern point of Sullivan’s Island, about a mile from the fort and opposed to Clinton’s offensive force, Captain De Brahm, the colonial engineer, had erected substantial breastworks of palmetto logs, supported by one eighteen pounder and one six pounder. The advance guard of this Carolina army, posted to dispute the landing of the flower of the British regulars, comprised the Third Rangers of 300 men (Col. William Thomson’s special regiment), 200 North Carolina troops under Lieutenant Colonel Clark, 200 South Carolinians commanded by Col. Daniel Horry, 50 riflemen (the Raccoon Company), and a small detachment of militia—altogether about 780 men.

It appears that General Lee’s fears as to a British attack upon Charlestown by way of the marshes and Haddrell’s Point were groundless, although such apprehension resulted in the withdrawal of a force of continental troops to that point, and the substantial decrease of American troops available for the crucial engagement. Not only this precaution, but his suggestion to construct a bridge from the rear of the fort to the mainland, in order to ensure retreat of the Americans in case the fort should fall (which he deemed probable), as well as to have protective works erected to meet an enfilading movement against the fort from British ships which might pass to the easternmost bend of the Cove in Sullivan’s Island—all these suggestions, and sometimes orders, were ridiculed or ignored by Colonel Moultrie, who was familiar with the topography of the country and whose judgment was undoubtedly sounder than that of the commander-in-chief.

The colonel also had an absolute, apparently blind confidence that Fort Sullivan would not be carried by the British, and that the Americans would never retreat from the island; which made all the difference in the trend of his conclusions as to the desirability of carrying out the plans of his superior. Technically, he might have been insubordinate; and his confidence in the resistive power of his half-finished fort seems fatuous; and Jomini and Vauban would probably

have condemned the fort in stronger terms than Lee did; but though he played recklessly for high stakes, he won;—and success is all that the world asks of the soldier, so long as he does not ruthlessly sacrifice the lives of his men. It is known that had the battle been delayed a day longer, Colonel Moultrie would not have been in command at Fort Sullivan, and a heroic figure would have been blotted from history. General Lee had ordered Col. Francis Nash, of North Carolina, to report to him on the morning of the 28th of June, 1776, and receive written orders to supersede Colonel Moultrie, in case his instructions had not been fully carried out.

#### SYSTEM OF THE CHARLESTOWN DEFENCES

Sullivan's Island was the key to the defence of Charlestown, but Fort Johnson, on the southern side of the harbor and nearer the town, was a strong inner bulwark. Twenty French guns of heavy caliber (twenty-six pounders) and eighteen English (eighteen pounders) were mounted there, and the garrison, under Col. Christopher Gadsden, comprised nearly 400 men. Nearer Charlestown, on the shore of James Island, was a battery of twelve heavy guns commanded by Capt. Thomas Pinckney. So that should the British capture Fort Sullivan and the island, there was still some serious work ahead of them before Charlestown should fall.

And the town itself had its immediate defences, consisting of a line of well-constructed batteries which need not be described here as they played no part in the battle. Besides the artillery and the militia of South Carolina, the town forces included about 1,200 North Carolina continentals. Fire vessels were also prepared for the British vessels, should they pass all the forts and attempt a bombardment of the town.

The whole force assembled for the defence of Charlestown numbered more than 6,500. The British troops comprised 2,200 regulars under Sir Henry Clinton, and a fleet of two fifty-gun ships, five frigates and four other vessels (270 guns in all), under Sir Peter Parker.

#### NAVAL INVESTMENT OF FORT SULLIVAN

Colonel Moultrie was riding to the eastern end of Sullivan's Island to visit Colonel Thomson's advance post, on the morning of June 28, 1776. He noted general signs of activity both among the boats back of Long Island, which were to support Clinton's landing party and among the eleven ships fronting the fort and commanded by Sir Peter Parker. The men-of-war had loosed their top-sails and were about to bear down upon the fort. Colonel Moultrie hurried back to Fort Sullivan and ordered the long roll of alarm to be given, posting the officers and men to meet the attack which all now knew was at hand.

Between ten and eleven o'clock the bombship of the fleet, carrying the heavy naval mortars used for the reduction of such fortifications as Fort Sullivan, anchored about a mile and a half away and, covered by another armed vessel, commenced to throw shells upon the fortress. The favorable southwest wind, with a strong flood tide, soon also brought the Bristol (the admiral's ship), of fifty guns, the Experiment, of like equipment, and the Active and Solebay, each of twenty-eight guns, within range of the garrison guns. Those in the southwest bastion, consisting of three twenty-six pounders and two nine-pounders, promptly replied; and the artillery duel was on between twenty-five plucky little guns and 270 mustered by the British squadron.

Still the gouty Colonel Moultrie limping along the platform from which were served the guns of Fort Sullivan calmly replied to the question of a plucky privateersman, Captain Lemprière, "Well, Colonel, what do you think of it now?" "We should beat them."

"Sir," insisted the Frenchman, "when those ships (pointing to the men-of-war) come to lay alongside of your fort, they will knock it down in half an hour."

Colonel Moultrie: "Then we will lay behind the ruins and prevent their men from landing." He knew his men behind the guns; that they could shoot straight, whether serving cannon or rifles.

Soon the entire fleet was lined up before the fort pouring in the shot and shell of all its guns and mortars, bringing to bear upon it an overpowering number of cannon and weight of metal, from a vantage point of only about 400 yards. The Thunder bombship was throwing thirteen-inch shells in quick succession, several of which fell within the fort. Most of them, however, were buried in the loose sand and did little damage.

It was soon found, also, that no better wood could have been selected to counteract the force of the bombardment than the palmetto logs. Its fiber was very porous and spongy, so that when a log was struck by a small shell it was buried therein as if in a bag of sand, without making extended fractures or splinters. The greatest damage which was suffered by the front of the fort, which was the main object of attack, was that its framework was badly shaken by the heavy concussion.

#### BIG BRITISH SHIPS SHREDDED BY FORT GUNS

The guns of the fort were principally directed at the Bristol and the Experiment, the most powerful ships of the British fleet. The former was the flagship and on it, while the battle raged, were Sir Peter Parker and Lord William Campbell, who was in command of the lower deck. Both fought bravely and were wounded—Sir Peter twice and Lord William once, in the side. Governor Campbell was at first reported to be not seriously injured, but he ultimately died from the effects of his wound. Capt. John Morris, commander of the Bristol, also received a number of wounds, but bravely clung to his post until his arm was shot away. He died a week afterward. Altogether, the Bristol lost 100 men in killed and wounded, the awful slaughter on both its decks being occasioned by the fact that early in the action her cable had been shot away, and the ship had swung around so that it was raked along its entire length by the guns of the fort. Her masts were shot to pieces, so that one had to be cut completely away.

The loss on the Experiment was almost as great as that on the flagship, and Captain Scott, its commander, lost his right arm and was otherwise badly wounded. So terrific was the slaughter aboard the strong ships of the fleet that it was feared they would be destroyed and their crews put out of the fighting. This fear was allayed for the time when the powder supply of Fort Sullivan became almost exhausted and the fire slackened.

Because of the concentration of fire on the Bristol and the Experiment, the main center of interest in the naval engagement was at and near the southeast curtain and bastion. The three ships of the second line attempted to pass the fort and take position in the cove of Sullivan's Island, both for the purpose of enfilading this dangerous section of the fort and of cutting communication between the island and Charlestown. But they grounded on the shoal upon which Fort

Sumter was afterward built, and, although two were floated, they drew out of action. The bombship, which had been throwing her heavy shells at too great a distance had damaged not only the beds of the mortars but the entire framework of the ship; which also rendered the Thunder unfit for service.

Some time after the second-line ships had failed to reach the Cove, and while the guns in the southeastern section of the fort were playing havoc on the decks of the Bristol and Experiment, occurred the incident which no new history has failed to repeat and which has made Sergeant William Jasper an outstanding figure in Revolutionary annals.

The blue flag, with a crescent in the corner, which Colonel Moultrie had made at the request of the Council of Safety and which had been flying at the southeast bastion of Fort Sullivan, was shot away by some expert British gunner. Flag and staff fell outside the fort, and then came the historic moment for Sergeant Jasper, of the Second Regiment of South Carolina troops. His captain, Barnard Elliot, was one of those rare men who kept a diary. Under the entry of July 4th he writes: "On the day of the engagement between the King of England's fleet and Fort Sullivan, where he is with the company and the regiment he belongs to, he signalized himself in the following manner: The flagstaff being shot down and the staff falling to the ground in the heat of the action, Jasper called to his colonel, Moultrie, 'Colonel, don't let us fight without our colour.'

"'How can you help it,' replied the colonel, 'the staff is gone?'

"'Then I will replace it,' said Jasper. Upon which he leaped over the wall, took the flag, tied it to a sponge staff and stuck it upon the merlon of the bastion near the enemy, gave three huzzas in the dangerous place he stood and retired to his gun, where he fought with his gallant company to the end of the battle. The president, John Rutledge, this day (July 4th) returning his thanks to the Sullivan's Island garrison for their gallant conduct and behavior in defence of the fortress, and taking his own sword from his side, presented it to Sergeant Jasper, and no doubt he will soon compliment him with a commission."

#### LEE DESCRIBES ATTACK OF FORT SULLIVAN

General Lee describes the naval attack on Fort Sullivan in the following letter to Washington, written on the 1st of July: "I shall not trouble you with a detail of their manoeuvres or delays, but defer it to another time when I have more leisure to write and you, to attend. Let it suffice, that, having lost an opportunity of taking the town, which, on my arrival, was utterly defenseless, the Commodore thought proper on Friday last, with his whole squadron consisting of two fifties, six frigates and a bomb, to attack our fort on Sullivan's Island. They dropped their anchors about eleven in the forenoon, at the distance of 300 or 400 yards before the front battery.

"I was myself at this time in a boat endeavoring to make the island, but the wind and tide being violently against us, drove us on the main. They immediately commenced the most furious fire that I ever heard or saw. I confess I was in pain from the little confidence I reposed in our troops, the officers being all boys and the men raw recruits. What augmented my anxiety was that we had no bridge finished for retreat or communication, and the creek or cove which separated it from the continent is near a mile wide. I had received, likewise, intelligence that their land troops intended at the same time to land and assault. I never in my life felt myself so uneasy; and what added to

my uneasiness was that I knew our stock of ammunition was miserably low. I had once thought of ordering the commanding officer to spike his guns and, when his ammunition was spent, to retreat with as little loss as possible.\* However, I thought proper previous to send to town for a fresh supply, if it could be procured, and ordered my aide-de-camp, Mr. Byrd (who is a lad of magnanimous courage), to pass over in a small canoe and report the state of the spirit of the garrison; if it had been low, I should have abandoned all thoughts of defence. His report was flattering. I then determined to maintain the post at all risks, and passed the creek or cove in a small boat in order to animate the garrison 'in propria persona'; but I found that they had no occasion for such encouragement. They were pleased with my



W. M. M. W. WILLIAM MOULTRIE.

*Will Moultrie*

visit, and assured me they never would abandon the post but with their lives.

\* According to the "Memoirs," he did order Moultrie, if he should unfortunately expend his ammunition without beating off the enemy or driving him on ground, to spike his guns and retreat with all the order possible; "but I know," he added, "you will be careful not to throw away your ammunition."

According to another account of the powder incident, in the beginning of the action, Moultrie wrote to Lee for more powder. When his note reached Charlestown, Lee had gone to Haddrell's Point. As the occasion was urgent it was delivered to Rutledge. The terms employed by Moultrie did not seem to imply that his deficiency of powder was so great as it really was, the American officer doubtless understating the situation in view of the possibility that his letter might fall into the hands of the enemy. Rutledge, accordingly, sent him but 500 pounds. It was accompanied with the following note, written with a pencil on a small slip of paper: "I send you 500 pounds of powder. I should think you may be supplied well from Haddrell's. You know our collection is not very great. Honor and victory, my good sir, to you and our worthy countrymen with you. P. S. Do not make too free with your cannon. Cool and do mischief."

"The cool courage they displayed astonished and enraptured me; for I do assure you, my dear General, I never experienced a hotter fire—twelve full hours it was continued without intermission. The noble fellows who were mortally wounded conjured their brethren never to abandon the standard of liberty. Those who lost their limbs deserted not their posts. Upon the whole they acted like Romans in the third century. However, our works were so good and so solid that we lost but few—only ten killed on the spot and twenty-two wounded, some of whom lost their legs or arms."

#### HOW CLINTON'S PLANS MISCARRIED

While the shortage of powder at Fort Sullivan was all that saved the big British ships from annihilation, in the field of action reserved for Sir Henry Clinton's regulars the investment of the American fortress, the plans of the king and his officers, dismally failed. When the fleet had fairly entered action, the British commander and his 2,000 men marched from his camp on Long Island to the shores of the inlet and there rested. His land forces were flanked on either side by armed boats, which were to reach Sullivan's Island, and rake the redoubt held by Colonel Thomson, while his regulars were to cross the inlet and storm Fort Sullivan, which was open on the west.

But Clinton's plan collapsed with the repulse of the flotilla. The Carolinians under Thomson had only two cannon—and one of them a six pounder!—and were not artillerymen, but they were the best of marksmen with small arms, and, with the oncoming of the boats, each ball found its man. At a still nearer range their decks were swept with grapeshot, and the flotilla was scattered. To make matters worse, the easterly winds had so piled up the waters of the inlet that they were not fordable, and the British commander could only witness the disaster to his plans without being able to avert it.

#### BRITISH FLEET RAISES THE SIEGE

Colonel Moultrie had not learned of the miscarriage of Clinton's plans; on the contrary, he had been led to believe that the British had effected a landing between Colonel Thomson and the fort. As he had also received orders from General Lee to spike his guns and retreat, in case he had not repulsed the enemy when his ammunition was exhausted, he ceased firing to the great relief of the British fleet. This was late in the afternoon. Colonel Moultrie's object was to conserve his scant stock of ammunition in order to defend the fort against the land troops which he expected.

It was soon afterward that President Rutledge sent Colonel Moultrie the 500 pounds of powder, with the inspiring and precautionary note, concluding, "Do not make too free with your cannon—cool and do mischief." This welcome supply enabled the American commander to continue his fire during the remainder of the day, thereby undeceiving the British fleet commanders in their belief that Fort Sullivan had been silenced. About five o'clock in the afternoon, the position of the defenders of the island was rendered more secure by reinforcements of 700 Virginia continentals, sent over from Haddrell's Point to Colonel Thomson.

The exchange of shots between the fort and the ships of the fleet which remained in action slackened at about seven o'clock, with the setting of the sun, and ceased completely at 9:30. At eleven o'clock, all but the ship which had grounded while trying to make the cove,



were returning to their former anchorage near Five Fathom Hole—a crippled and shattered fleet. On the morning of the 29th, it was riding at anchor opposite Morris Island.

The garrison fired a few shots at the stranded British boat, the *Actaeon*, which were gallantly returned by her captain, who then set fire to his ship, leaving her colors flying and her guns loaded. In truth, there was nothing to choose for bravery between the British and the American contenders; they were both of a sturdy stock. But the tale of the *Actaeon* is not yet told. For Lieut. Jacob Milligan of the *Carolina Prosper* boarded the blazing British ship, turned three of her guns at the British fleet, brought off her colors, ship's bell and whatever else was at hand, and had scarcely embarked his party when the boat blew up with a deafening explosion.

#### GENERAL FACTS OF THE BATTLE

The total number killed in the fort was twelve and the wounded twenty-five. The fatalities in the fleet numbered more than 200. The fort expended about 4,700 pounds of powder; the fleet 34,000. Bunker Hill was a great moral victory over regulars, but Fort Sullivan had made it clear to all the world that neither British regulars nor the British navy were invincible.

On the afternoon of June 30, 1776, General Lee and staff reviewed the garrison at Fort Sullivan and thanked them for their heroic defence. On the 4th of July, President Rutledge also visited them, and, as stated, presented his sword to the heroic Sergeant Jasper. Not long after the battle and historic defence and offense, "the fort on Sullivan's Island" was rechristened Fort Moultrie, by which name it is perpetuated.

The result of that engagement was so symbolized by the sturdy qualities of the palmetto that the tree became linked with the flag and the seal of the state. In April, 1776, the General Assembly called upon the president and commander-in-chief, with the advice and consent of the Privy Council, to design a Great Seal for South Carolina, "and, until such a one can be made to fix upon a temporary public seal." As a temporary public stamp, President Rutledge used his private seal, bearing his family coat-of-arms. The permanent design was not prepared until after the Declaration of Independence.

After the adjournment of the General Assembly on April 11, 1776, until the battle of Fort Sullivan, or Fort Moultrie, no civil legislation was attempted, although the courts of law had been open for business since the 23rd of that month. The vital matter, which engrossed every thought and directed every action, was to put Charlestown and the colony in a state of defence. About all the Assembly did, as was well put in Moultrie's "Memoirs," was "to carry on the fortifications, issue money, examine accounts and pay all liquidated demands."

#### ACT OF CLEMENCY MISCARRIED

With the repulse of the British attack on Charlestown, it occurred to President Rutledge that an act of clemency releasing the loyalists who had been imprisoned for non-association and other rebellious acts against the patriot cause, might have the effect of uniting South Carolina against the British enemy. He accordingly directed that such as were in the Charlestown jails should be discharged. The effect was the opposite to what was intended; for when the intelligence of the release of these "jail birds" reached Williamson's camp in the up-

country it nearly caused a mutiny. One who was there at the time wrote to Drayton: "It is really a measure which, though certainly intended for the best, is very alarming to all ranks of people. The ignorant look upon it as turning their enemies loose on their backs in the day of their distress; the sensible part consider it as the dangerous exercise of a dispensing power, assumed contrary to the express determination of Congress, and a corroborating resolve of the succeeding House of Assembly."

In a short time, however, the discontent subsided, "and the returned prisoners were permitted to remain peaceably at home, in the enjoyment of their several rights and privileges."

While the first great victory of the Revolution was being won in South Carolina, politics, which concerned the whole of Continental America, was developing in the Congress which was sitting in Philadelphia; and it was a noteworthy fact that the Rutledge brothers—John at Charlestown, South Carolina, and Edward at Philadelphia, Pennsylvania,—were to be in the van of the leaders who were making history both for the Palmetto State and the Colonial Union.

On the 7th of June, 1776, the Virginia delegates declared for complete independence from all British authority, but their resolution to that effect was opposed by Edward Rutledge, Robert R. Livingston, of New York, and John Dickinson and James Wilson, of Pennsylvania. They approved the spirit of the resolution, but were not sure as to "the voice of the people." The debates on the immortal resolution, from which sprung the declaration of the following month, showed also that New Jersey, Delaware and Maryland were not yet prepared to take the irrevocable step. John Adams, of Massachusetts, and George Wythe and Richard Henry Lee, of Virginia, were the rocks against which all the opposition beat in vain. They proposed to declare that the acts of Great Britain had made the colonies in fact independent of her control or authority.

To finally test the attitude of the colonial delegates, on the 28th of June, while the terrific attack on Fort Sullivan was raging in South Carolina, Thomas Jefferson reported his draft of a Declaration of Independence, as chairman of the committee appointed to formulate the document. It was read and ordered to lie upon the table, pending consideration of the original Virginia resolution, which came up on the following Monday, the 1st of July.

Without going into a discussion of the various considerations which induced the South Carolina delegation as a whole to support the Virginia resolution, it may be said that the prime cause was that given by Mr. Rutledge—for the sake of unanimity and to carry out the wishes of an overwhelming majority of the colonies. On the 2d of July, when Carolina announced her decision, Delaware and Pennsylvania also changed their votes in favor of complete independence, making twelve of the colonies in its favor. New York only stood against it. The Declaration of Independence discussed from every point of expediency and justice, on the 2d, 3d and 4th of July, 1776, was on the evening of the last named date, carried in Committee of the Whole and immediately reported and adopted in open Congress. On the 9th of July the New York convention also approved it.

In those days, so slowly did news travel, the delegates to the Continental Congress from South Carolina had not a few anxious days wondering how the "people at home" would receive the news of their radical action at Philadelphia, despite their instructions from the General Assembly; but when the news reached them of the repulse of the invading British expedition, their minds were at rest on that point.

And when the grand information came to the people of South Carolina that the Continental Congress as a body had formulated and passed a Declaration of Independence and severed every tie with the mother country, all doubt in the southern colony was dissipated as to the imminence of war, and all patriots of the Christopher Gadsden type rejoiced.

History seems remarkably full of striking coincidences. Thus it happened that on the 2d of August, when the news that the Continental Congress had adopted the Declaration was being enthusiastically acclaimed in Charlestown, the last ships of the British fleet of invasion left the coasts of South Carolina.

The British were about five weeks in getting away. First some of the transports cleared with Clinton's Long Island troops. A week after, the Bristol limped over the bar, stuck, and finally made the open sea. A week later another instalment of vessels, including the bomb-ship, set sail, and a brigantine went aground and was captured by the alert Carolinians. On the 25th of July, the battered Experiment went safely over the Charlestown bar, and the following week, ending August 2d, saw the remainder of the fleet disappear below the horizon.

#### "DECLARATION" CELEBRATED IN CHARLESTOWN

After three days of general rejoicing in Charlestown over the promulgation of the Declaration, the 5th of August was set apart for a special and a public celebration of the event. It was the people's indorsement of the act of the Continental Congress, through the accredited representatives of the South Carolina government. The grand procession in honor of the event was headed by the president, who was accompanied by all the civil and military officers of the province. In the afternoon, all the troops in Charlestown, continental and provincial, were paraded near the Liberty Tree, where the Declaration of Independence was read by Maj. Barnard Elliot and an address was made by the Rev. William Percy.

On this general day of rejoicing, President Rutledge also issued a proclamation convening the General Assembly to meet on the 17th of September, 1776, and his announcement of the adoption of the Declaration of Independence by the Continental Congress was received by the South Carolina legislators with "transports of joy." "The dissolution of the political connection between the two countries was an event," said Rutledge, "which necessity had rendered not only justifiable, but unavoidable." "It is with unspeakable pleasure," said the General Assembly, "that we embrace this opportunity of expressing our satisfaction in the declaration of the Continental Congress, constituting the United Colonies free and independent States, absolved from their subjection to George III and totally dissolving all political union between them and Great Britain."

The Legislature continued in session until the 20th of October. As the political connection between Great Britain and the colonies was now dissolved, certain changes in the constitution were obviously proper, and a few days before adjournment a committee was appointed to revise it. That body brought in its report, but the subject was temporarily postponed.

## CHAPTER XXIV

### RUTLEDGE AND LOWNDES ADMINISTRATIONS (1776-1779)

The British defeat was so decisive at the battle of Fort Moultrie that the entire southern campaign of the enemy was ruined. Correlative with the investment and capture of Charlestown was the plan to combine the Indians and royalists of the up-country against the patriots and supporters of the new State government. In the invasion of South Carolina by the British, the fierce Cherokees thought they saw a favorable opportunity to overwhelm the frontiers and sweep away the settlers in a hurricane of slaughter. The British plan and the Indian ambition were therefore in full accord.

Capt. John Stuart, his Majesty's superintendent of Indian affairs for the southern district, including Virginia, North and South Carolina, Georgia and Florida, and very loyal to the king, with the assistance of Alexander Cameron, the Cherokee Indian agent, was the chief agent behind the uprising which was already threatening, and was in close co-operation with General Gage, the British commander-in-chief at Boston.

To counteract these influences, the Council of Safety had sent Capt. William Freeman to meet some of the head men of the Cherokees on the frontier, and upon his return with the report that the Indians had been seduced from their friendly relations with the constituted government of South Carolina, it was decided to capture and remove him from the scene of his mischief-making. That hazard was entrusted to Capt. James McCall, of the Ninety-sixth district, with Capt. James Baskin and Ensign Patrick Calhoun as his associates. The party marched from the Cherokee Ford, on the Savannah River, and after a six days' trip encamped near a large town in the nation, where a conference was entered into with the chiefs. While thus engaged, the little force was surprised by a party of Cherokee warriors, and in the course of the affray Calhoun and three others were killed and Captain McCall was taken prisoner.

The leader of the expedition remained a prisoner for several weeks, while some of the prisoners were horribly tortured by the Indians, and McCall himself, after having been condemned to death, barely escaped with his life. With a pint of parched corn and a few ears of the green vegetable, he traversed the mountains for 300 miles on horseback, without a saddle, and on the ninth day after his escape reached the Virginia frontier. There he fell in with a body of troops on its way to join some Carolina forces, all of whom were destined for service against the Cherokees.

### UPRISING AND MASSACRES BY THE INDIANS

The Cherokees did not learn until July 1st that the British fleet and army had arrived in Charlestown Harbor, and with the dawn of

that day commenced their bloodshed. The massacre of the Aaron Smith family, on Little River in the Ninety-six District, and the murder of Anthony Hampton, father of Wade Hampton—of the Revolution—on the Tyger River (in Spartanburg County of today), with his wife, his son Preston and his grandson, were among the terrible happenings of that day. Edward, Henry, Richard, John and Wade Hampton were absent from the family home, and therefore escaped.

This sudden and merciless uprising swept many of the settlers from the upper country. Plantations were abandoned, crops left to waste and the people, most of them without arms, crowded into little stockades or fled to Orangeburg.

Several hundred men, women and children were slaughtered before Maj. Andrew Williamson was able to collect a force sufficient to advance into the Cherokee Nation and attempt the punishment of the ruthless savages. By the 16th of July he had collected some 450 men and advanced to a point a few miles above Moffettsville, in what is now Abbeville County. Having received substantial re-enforcements, with the news of the Fort Moultrie victory, Williamson proceeded, after several set-backs, to attack a camp formed by Cameron on Oconore Creek, on August 1st, but was ambushed by enemy Indians and his force cut to pieces, Salvador being among those killed. Soon, however, a portion of them rallied, repulsed the savages, and escaped.

Later, Williamson, who had been advanced to the rank of colonel of the Ninety-Sixth Regiment, in co-operation with General Rutherford of North Carolina, swept through the entire Cherokee country to the Appalachian Mountains, destroying all the Indian settlements. This warfare, which lasted from the middle of July until about the same time in October, temporarily broke the power of the Cherokees. There had been such a concerted movement against them from Virginia and the Carolinas that they sued for peace, and by the resultant treaty ceded lands to South Carolina, between the Savannah and the Enoree rivers, which now embrace the counties of Greenville, Pickens, Oconee and Anderson. McCrady notes that "Williamson had destroyed all the lower settlements before the North Carolinians under General Rutherford took the field." The entire loss of the Carolinians in the campaign of nearly three months was 99 killed and wounded. The Cherokee loss was estimated at 2,000.

#### LEE'S FOOLISH FLORIDA EXPEDITION

One result of the conclusive victory over the Cherokees, the strongest Indian allies of the British in the South, was to rid South Carolina of many loyalists, who largely settled in East Florida. This success, after temporary disaster, was sadly offset by the expedition projected by General Lee against St. Augustine, soon after the battle of Fort Moultrie. He declared that the reduction of East Florida was an object, "though not equal with Canada," yet certainly of great importance. "It will be a security to Georgia, occasion infinite distress to the garrison of St. Augustine, but above all, make a salutary impression on the minds of the Creeks, who are now thought to stand wavering."

He gathered a force of Virginia, North Carolina and a detachment of 260 South Carolina troops, at Savannah, offering to place an expedition against St. Augustine under command of Colonel Moultrie, but while waiting for re-enforcements requested by the real hero of the Charlestown defense, Lee received an order from the Continental

Congress calling him to Philadelphia—and so the unauthorized expedition ended, without a battle. The Virginia and North Carolina troops followed him, but many of the South Carolina detachment sickened and died in the swamps of the Ogechee.

Two events of military importance happened in September, 1776, both worthy of note as preparatory steps taken to meet another British invasion of the South which was felt to be a certainty—the time only in doubt.

Christopher Gadsden and William Moultrie were appointed by the Continental Congress brigadier generals, having been advanced from the colonelcies of the First and Second regiments of infantry, respectively. By their promotion Lieut. Col. Charles Cotesworth Pinckney became colonel, Maj. William Cattell, lieutenant colonel, and Capt. Adam McDonald, major of the First Regiment, and Lieut. Col. Isaac Motte, colonel, Maj. Francis Marion, lieutenant colonel, and Capt. Peter Horry, major of the Second Regiment.

On the 20th of September, 1776, the General Assembly turned over to the Continental army the First and Second regiments of infantry, the regiment of rangers, the regiment of artillery and the two regiments of riflemen, which were the six regular military organizations of the State.

#### DISESTABLISHMENT DELAYED

In the following December the new General Assembly met under the presidency of John Rutledge, and in January, 1777, the vexed question of the disestablishment of the Church of England in South Carolina came to the front. The Rev. William Tennent—the co-worker of William Henry Drayton in stirring up the people of the “back-country” to rebellion—led the forces of the dissenters and non-conformists in a powerful speech, contending that “ecclesiastical establishments were an infringement on civil liberty.” The established churches (Episcopal), Mr. Tennent showed, were but twenty in number, many of them very small, while the dissenting congregations were seventy-nine, and much larger, and within ten years had paid more than £82,013 “for the support of a church with which they did not worship.” More than even in later days was the question complicated by the fact that the bulk of taxable property was undoubtedly in the hands of the supporters of the Church of England in the low country. On the other hand, the dissenters were in the numerical majority. Tennent’s speech had a telling effect, which was proved the next year when the Established Church was disestablished by the constitution of 1778, but that step towards religious liberty was for the time postponed by a vote of 70 nays to 60 yeas.

Other matters, however, of supreme importance to the State were settled in the Assembly. In February, 1777, an ordinance was passed formulating an oath abjuring allegiance to King George III and swearing “true allegiance to the State.” It was further ordained that “if any person refused to take this oath he should be sent from the State with his family to Europe or the West Indies at the public expense, except such as were able to pay their own, and that if any such person returned he should be adjudged guilty of treason against the State, and upon conviction should suffer death as a traitor.”\*

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\* McCrady’s “History of South Carolina.”

## THE GREAT SEAL OF THE STATE

Since the organization of the state government under the constitution of 1776, the subject of providing a public seal for the authentication of commissions, pardons and other public documents had been discussed and partially provided for; that is, the General Assembly had requested William Henry Drayton and other members of the Privy Council to design one. Until a permanent one should be devised, a temporary one was adopted.

The great seal of the State of South Carolina, which is still in use, appears mainly to have been the work of Mr. Drayton and Arthur Middleton.

The arms, designed by William Henry Drayton, are thus described: A palmetto tree growing on the seashore, erect; at its base, a torn-up oak tree, its branches lopped off, prostrate. Just below the branches of the palmetto, two shields, pendent; the date on the dexter side, March 26th, alluding to the adoption of the constitution of the state, and July 4th, to the Declaration of Independence. Twelve spears are bound crosswise to the stem of the palmetto, their points raised, the band uniting them together bearing the inscription "*Quis Separabit*," representing, it is believed, the twelve states besides South Carolina which first acceded to the Union and bound to the Palmetto State. Under the prostrate oak is the Latin legend "*Meliorem Lapsa Locavit*," and below, in large figures, is 1776. At the summit of the exergue are the words, SOUTH CAROLINA, and at the bottom "*ANIMIS OPIBUSQUE PARATI*."

The reverse of the arms, said to have been designed by Mr. Middleton, shows a woman walking on the seashore over swords and daggers, representing Hope overcoming dangers. The laurel branch which she holds in her hand signifies the honors earned by Colonel Moultrie, his officers and men. She looks toward the sun, just rising above the sea, which was about to disclose the glorious victory of June 28, 1776. At the summit of the exergue are the words "*DUM SPIRO SPERO*," and within the field below the figure is inscribed the word "*SPES*."

## COMMODORE GILLON AND THE SOUTH CAROLINA NAVY

As Charlestown harbor was partially blockaded by the British cruisers hovering around its mouth, in order to make reprisals and maintain her old trade with the West Indies and Europe, South Carolina organized a little navy and sent out armed vessels to seize prizes on the high seas. Until Charlestown harbor was again regularly invested by the British forces, in 1780, "running the blockade" was as common and exciting an occupation as during the War of Secession.

A small ship and three schooners first composed the home navy, and to these were added later a continental frigate, in command of Alexander Gillon, a well known merchant of Charlestown, and three brigs. Commodore Gillon, with three captains, sailed for Europe by authority of the State for the purpose of securing three frigates. They finally hired from the Duke of Luxembourg a frigate of heavy draught, which, after many misfortunes, put to sea and captured a number of prizes. She was christened the South Carolina, but did not arrive in American waters (Philadelphia) until the spring of 1782.

In an interesting paper entitled "The Luxembourg Claims"—being the claim of the Chevalier Charles Anne Sigismond, his two sons and a grandson, against the State of South Carolina—Mr. D. E. Huger

Smith tells in part the long story of the efforts made to secure payment for Gillon's frigate. This debt of \$27,635.71, with interest for one year, was not paid in full until December, 1855. In 1814, \$28,894 had been paid to the administrator of the Duke of Luxembourg. The State never disputed or attempted to repudiate the debt, but it was extremely difficult to determine who were the proper claimants.

#### RUNNING THE BLOCKADE, 1776-1780

The outbreak of the Revolution, obviously, stopped all trade between South Carolina and "the mother country," but soon a few adventurers managed to get their vessels to the Dutch and French West Indies, and exchange their products for the produce of the interior. While the Revolutionary war was confined to the North, and goods from New York and Philadelphia shut out of the South, Charlestown was the great entrepot of supply for not only the southern states but for much of the country as far north as New Jersey. The trade was so large that an attempt was even made to open direct commercial intercourse with France. As stated by McCrady: "The intercourse in the commencement proved unfortunate, for out of sixteen vessels richly laden with commodities of the country four only arrived in France. This heavy blow for a short time damped the spirit of enterprise, but it soon revived. Attempts were now made by blockade-running to procure military supplies, which the unwise non-importation business had prevented while the ports were open. Three vessels were employed by the State for the purpose of obtaining supplies and clothing for the new-raised regiments in the State and continental service, but it was the good fortune of but one to succeed in bringing in a cargo. Two with guns and clothing were captured."

#### EFFECTS ON THE CURRENCY

All these uncertainties of obtaining supplies and munitions of war abroad finally depreciated the currency and correspondingly raised the prices of all the necessities of life; Ramsay tells us that the continental money retained its value longer in South Carolina than in other of the United States. The credit of the State was so good that its people readily received the provincial bills in payment of all debts, backed as they were by the great wealth of the planters, the merchants and the rich standard crops of Carolina. In fact, it is said that it was not until great quantities of the continental currency commenced to flow into the State, in 1777, that there was little depreciation of the paper money current in South Carolina. The continental money, which had been issued to pay the soldiers of the northern armies, was at that time sustained by little actual wealth—only by the general faith in the success of the American arms.

The State Legislature reconvened on January 9, 1778, and its president, John Rutledge, laid before that body the Articles of Confederation which had been adopted by the Continental Congress, for recommendation to the States, in November, 1777. Apropos of absenteeism in Congress, he recommended that South Carolina should be represented in that body by several delegates at all times, and announced that the State had been called upon for \$500,000. President Rutledge noted that although the sum named exceeded the proportion of South Carolina, doubtless the requisition would be readily met, "as the ravages of war have rendered some of our sister states less able than this to furnish their just quota." He proceeded to speak elo-



quently in support of the war and a peace "which will secure the sovereignty and independence of America." Dealing with home affairs and the high prices of goods, he suggested the formation of a board of commerce to deal with the problem.

On the 13th of January, 1778, four days after the Legislature met, Charlestown suffered from another devastating fire, entailing a loss of over \$3,000,000. The 250 houses burned could be rebuilt, although their destruction meant great suffering, but the burning of the Charlestown library, with its more than 6,000 volumes and its large collection of astronomical and scientific instruments, was then irreparable.

#### BRITISH FLEET DRIVEN OFF

The conflagration was believed to be the work of British incendiaries from the men-of-war lying in the harbor and in collusion with the Tories of Charlestown—so General Moultrie believed. At all events, it had the effect of stirring South Carolina to action against the three British vessels which still hovered in the offing. The South Carolina navy then consisted of five small war ships, the largest of which was the continental frigate *Randolph* of thirty-six guns, commanded by Captain Biddle, who had agreed to accompany the State's fleet. There were some negotiations and disagreements between President Rutledge, General Howe (commander of the continental troops in South Carolina and Georgia), and the military council of South Carolina officers headed by General Moultrie, as to the advisability of sending a detachment of troops to man the ships of the proposed expedition, thereby seriously weakening the defense of the State. General Moultrie, who opposed the enterprise on the latter ground, gave way finally to President Rutledge, who represented that unless the British men-of-war should be driven from the coast, a number of American vessels daily expected with military stores and other articles much needed would be captured by the enemy. The necessary detachment of troops was therefore furnished, and the fleet sailed about the last of January, 1778. The three British ships at once quitted the coast.

"The fleet was gone almost ten weeks," says the account in McCrady's history, "when they fell in with the *Yarmouth*, a British sixty-four gun ship which the *Randolph* immediately engaged, but in a short time after the action commenced the *Randolph* blew up and all on board perished except two or three who were picked up from the wreck by the *Yarmouth's* crew. Captain Ioor and his whole company of the First Regiment—fifty men who had been put on board the *Randolph* as marines—were lost, and so also was Captain Biddle himself, who was esteemed one of the very best naval officers in the country. The remainder of the fleet made the best of their way home, and thus ended an expedition undertaken against the judgment of the military officers upon the urgency of the President and Council."

While the little South Carolina fleet was scouring the high seas and not long before the *Randolph* met her disaster, the Legislature of the State was busy in the throes of creating a new constitution. That of 1776 had only been considered temporary and not at all representative of the people, although no express authority had been given by it to the General Assembly to amend or alter it. Finally, however, an entirely new constitution was devised, containing among its most radical provisions those providing for the disestablishment of the Church of England and the creation of a State Senate, to replace the Legislative Council, the members of which were to be chosen by popular election.

## THE NEW CONSTITUTION OF 1778

On the 5th of March, 1778, President Rutledge vetoed the bill enacting the new constitution on the ground that the Legislature had not the power to change the State's form of government; that, by the constitution of 1776, the people delegated to that body the power to make laws, not to create legislation. In closing, he resigned the office of president of South Carolina. Arthur Middleton was first elected to succeed him, but he declined, as he, too, was unwilling to approve the new constitution. Rawlins Lowndes was then elected president, and Christopher Gadsden vice president of South Carolina. President Lowndes accepted the trust and on March 19th approved the new constitution. It is generally believed that the real reason why Rutledge and Middleton were opposed to taking this step was that they were not yet prepared to close the door forever against a reconciliation with the mother country.

It is well to remember that the State constitutions of 1776 and 1778 were both of them ordinary statutes, repealable by the General Assembly; and the Supreme Court of South Carolina afterward so ruled. While the "Constitution" of 1778 did extend to some degree the privileges of the people, it was not until 1790 that South Carolina had a constitution framed by a convention of the people, convened by the Legislature under its ordinary legislative power.

At the same time, the Continental Congress, under the presidency of Henry Laurens, was closing the doors forever against reconciliation. In the fall of 1778, the British peace commissioners, after having failed with the national body, sent a naval officer to Charleston, directed "to his Excellency the President," etc., on a similar mission to the State and people of South Carolina.

The packets were opened and the manifests and papers were read, and it was unanimously resolved that "this approach was highly derogatory to Congress, to which all such communications should be addressed, as such conduct on the part of the commissioners was calculated to sow dissensions and jealousy among the component parts of the American confederacy."

The naval officer and his papers and his brig were sent back to New York, and in November the British commissioners sailed for England.

## TOO DRASTIC AN OATH OF LOYALTY

Rawlins Lowndes's short presidency was far from satisfactory either to himself or the people. By an act passed in February, 1777, an oath had been devised abjuring the king and pledging allegiance to the State. Having adopted a new constitution, the Assembly in 1778 proceeded to put a similar measure of loyalty in operation; but the second oath of fealty to the commonwealth was too drastic to be introduced to the independent citizens of South Carolina. Under the provisions of the act passed March 28, 1778, such an oath must be taken by every free male inhabitant of the State above a certain age. Directions were given to the military establishment, the Legislature, all public officials, ferrymen, pilots, etc., to take the oath at specified times, on pain of being debarred from office, exercising the customary profession, trade or business, "or of buying or selling or acquiring or conveying any property whatever." It was soon evident that such a measure could not be enforced and in June President Lowndes issued a proclamation extending the time. But even that did not suffice; a



great issue at stake. Neither party perhaps felt strong enough to make an issue with the other."

#### EXTRAORDINARY TRIBUTE TO RUTLEDGE

The Assembly met on the first Monday in January, 1779, and organized under the new constitution. President Rawlins Lowndes addressed that body and announced that its important business was the choice of officers under the constitution of 1778. After indulging in other felicitations, his successor was elected in the person of John Rutledge, who had refused to approve the new constitution and was now chosen under it as governor and commander-in-chief of South Carolina.

The election of John Rutledge to the chief magistracy under the very constitution he had vetoed, was indeed an extraordinary tribute to the man, who still had the supreme confidence of a majority of the people—and that trust he held to the end of his days.

Rutledge had been appointed by Washington chief justice of the United States, but the Senate failed to confirm the nomination, and he returned to Charleston weary and old with service; sick at heart, and some said with disordered intellect. E. S. Thomas, a New England man, editor of a Charleston newspaper, who came to that city in 1795, makes the following remarkable statement: "After John Rutledge's fits of insanity had increased upon him, he was elected a member of the State Legislature, upon the ground that if he had a lucid interval of a day, he would do more for the general good in that period, than any half dozen others could do during the session; he had the lucid interval, and did do it." Thomas Bee was selected as lieutenant governor. The Privy Council elected were: Col. Charles Pinckney, Christopher Gadsden, Roger Smith and Thomas Ferguson, two years, and John Edwards, John Neufville, Col. Isaac Motte and John Parker, one year.

## CHAPTER XXV

### SOUTH CAROLINA, THE REVOLUTIONARY MAELSTROM

Whether the events were closely related, it is not known—but it is certain that not long after the British commissioners failed to conciliate the Continental Congress and sailed for England, an expedition from New York was well under way, directed toward Georgia and the South. As South Carolina's assistance in the Revolutionary cause had been far beyond her proportional share, based on population, when the active warfare was on northern soil, she naturally looked to Congress for a return in protective measures when it became evident that the scene of hostilities was to be transferred to the South, and eventually to her own territory. The reduction of Savannah and the invasion of Georgia were well understood to be the preliminaries to a reinvestment of Charlestown and the subjugation of South Carolina.

Unfortunately, it was beyond the power of Congress and Washington to send any material part of the skeleton American army from the North. McCrady, going into the details of what South Carolina had contributed for the Revolution and noting the natural feeling of resentment at the apparent abandonment of the South by the northern states, and Congress as a body, pithily puts the matter thus: "The net result of South Carolina's appeals to Congress for assistance consisted of a French engineer, Colonel Laumoy, Lieut.-Col. John Laurens and General Count Pulaski, with the remnant of his nondescript corps, which had been cut to pieces at Little Egg Harbor in the fall before, and which now consisted of but 120 men, lancers and infantry, called by courtesy a legion. Pulaski came with a reputation for heroism and military ability, notwithstanding his surprise and disaster in the October before. The heroism he here abundantly displayed, and sacrificed his life for the strangers amongst whom he had come and for the cause he had espoused, but the military ability he did not exhibit.

"Colonel Laurens, hastening to his native State in the hour of her need, was the most valuable acquisition that South Carolina received." The colonel had served as aide-de-camp to Washington, from whom he brought to Governor Rutledge letters highly commendatory from the commander-in-chief. He also brought the advice of Congress, originating with Alexander Hamilton, that South Carolina and Georgia should arm 3,000 of their best blacks as a portion of the home army.

Col. Charles Cotesworth Pinckney, who had also been among Washington's aides on the northern battlefields, and had acquitted himself with honor, had hastened back to offer his services to his native State, and had resumed the command of the First Regiment.

Prompted both by good policy and a spirit of friendly assistance, North Carolina sent 3,000 State militia to South Carolina, in the early part of 1779. Their effectiveness, however, was much lowered from the fact that the northern State could not supply them with arms,

and South Carolina could only furnish them with those of an inferior grade. Later, a North Carolina continental battalion, which had not been with Washington's army, was dispatched to South Carolina.

#### WHY GADSDEN WAS TEMPORARILY INACTIVE

The doughty General Gadsden was temporarily inactive. He had had a prolonged dispute with Gen. Robert Howe, of North Carolina, who had assumed command of the South Carolina troops after the departure of General Moore (Lee's successor) for the north. The rupture between the two over Howe's right to the command was brought before the House of Assembly, which refused to investigate the matter; thereupon General Gadsden had resigned his military commission. The situation went from bad to worse, and the personal quarrel finally resulted in a challenge from Howe, and a duel with pistols. On the field of honor, the general allowed Howe to fire first; he fired and missed; whereupon General Gadsden discharged his own pistol in the air, and then apologized to his antagonist for the bitter charges he had made against him.

"General Howe said that it was very agreeable to him that the matter terminated in this way, and he was happy that he had missed him. Colonel Pinckney, General Gadsden's second, said he hoped now that the differences that had occasioned this duel might now subside and be left on that spot. The Generals, then, in token of this reconciliation shook hands and parted."

The whole affair would not receive the attention here accorded it, had it not been so characteristic of the impulsive, yet generous character of General Gadsden.

#### HOWE AN INCOMPETENT

The record of General Howe as commander of the southern department is one of incompetency, which eventually led to the next general invasion of South Carolina by the British forces. His first unfortunate enterprise was to repeat Lee's futile expedition against Florida which proved fatal to so many South Carolina soldiers. Specially designing to disperse the nest of enemy raiders into southern Georgia which had been fixed at the new fort at St. Mary's River, in the fall of 1778 with about 1,200 South Carolina and Georgia troops, he advanced toward his destination through such a barren and malarial country that nearly half his force were in their graves or in the hospitals and many of the horses perished. It is said that half of the 600 South Carolina continentals under Col. Charles Cotesworth Pinckney died or were disabled in that desolate land. A side expedition, conducted by Col. Samuel Elbert, who commanded the 500 Georgia continentals, captured three British vessels lying at Fredrica, but the expedition as a whole was a sad failure, and threw open southern Georgia to the British raiders—the very thing it was designed to thwart. Gen. Augustine Prevost, the British commander in Florida, made the most of the situation and laid waste the country for many miles about before he and his men returned to Florida.

Of the conduct of Prevost's troops in this campaign, and the subsequent invasion of South Carolina, even so rank a British partisan as Percy Greg reluctantly admits, that "the troops were indulged in a degree of license doubly impolitic, as impairing their discipline and tending to alienate the inhabitants."

Howe, in the meantime, had reached Savannah with the remnants

of his command, which had been reduced to 600 or 700 men. He had called for reenforcements from Gen. Benjamin Lincoln, who had succeeded him in command of the department and was already in Charleston; but none arrived in time to save Savannah or his reputation.

#### THE BRITISH CAPTURE SAVANNAH

On the 29th of December, 1778, while the new departmental commander was hurrying to the relief of Savannah, and, with General Moultrie's command, was concentrating at Purrysburg, a few miles east of the river and north of the city, the British fleet of investment from New York anchored in the harbor. The British land troops were commanded by Lieut.-Col. Archibald Campbell and the naval force by Commodore Hyde Parker. Had Major-General Prevost joined the expedition, as was the original plan, he would have taken entire command, in view of his military rank. But Colonel Campbell and Commodore Parker were rapid thinkers and actors.

The details of the engagement, again disastrous to Howe, are not directly germane to the development of South Carolina history. The fleet proceeded up the river on the 28th and the British troops commenced to debark on the following morning. A landing was effected at daybreak and the enemy troops advanced along a narrow causeway through a ricefield to high ground beyond. The British were met by a general musketry fire but fought their way to a bridge, which had been destroyed and over which they would have gained the American front. From the opposite bank of the stream Howe's artillery was in action. He might have made a stubborn resistance and perhaps have held his position, had not the alert Campbell discovered a secret path through the swamp which Howe thought impassable and by which a detachment of the British light infantry gained the rear of the little army defending Savannah.

Cameron had pursued the same plan as had the Black Prince at the battle of Poitiers, over 420 years earlier, and with like success. He engaged Howe's front with a feint until his men in the morass were heard from, and then the whole British line advanced. Howe was driven through the city and only a small part of his forces reached South Carolina, for he had lost 550 men, killed or captured, and all his baggage and artillery, the British loss being seven killed and nineteen wounded. The victory was complete and the British flag flew over Georgia for the rest of the war. Howe joined Lincoln at Purrysburg, where General Moultrie also arrived on January 3, 1779. That place was the headquarters of the continentals, numbering about 1,200 men, and the North Carolina troops under Generals Ashe and Rutherford were stationed in the immediate vicinity. The whole force under Lincoln and Moultrie and the North Carolinians thus gathered near the borderland of Georgia and South Carolina to bar the expected invasion of the Palmetto State did not exceed 2,500 men.

#### COLONEL ANDREW PICKENS

In the meantime, before General Prevost had marched his force through Georgia and joined Colonel Campbell at Savannah, the latter had sent Lieut.-Col. John Hamilton forward with a detachment of mounted infantry to encourage the inhabitants to remain loyal to the king. While Colonel Boyd, a North Carolina Tory, was attempting to form a junction with him, having himself gathered a small force of loyalists, Col. Andrew Pickens sallied from District Ninety-six

with 500 men and attacked both Colonels Hamilton and Boyd in turn. The engagement at Kettle Creek resulted in the total rout of Boyd's force and the death of its leader, and brought Colonel Pickens into a prominence which he ever after maintained.

Under orders from Prevost, Campbell's men then retreated from Augusta, where they had been concentrating. At Hutson's ferry, a few miles north of Savannah, Campbell left the advance of the British army under Lieutenant-Colonel Prevost, a brother of the general in command of the expedition, and returned to that port, preparatory to his departure for England.

#### ROYAL TROOPS MOVE TOWARD CHARLESTOWN

The royal troops having been consolidated in the South by the arrival of General Prevost's Florida command, began their advance toward Charlestown. With the aid of the naval transports, a small force attempted to occupy Port Royal, but some 300 militia under Generals Moultrie and Bull crossed Broad River and drove them from the island. In the engagement the Americans lost eight killed (among them Lieut. Benjamin Wilkins) and twenty-two wounded (including Capt. Thomas Heyward, Jr.). It is said that the British lost almost all of their officers.

At this time, when it was necessary to collect an effective force to oppose the advance of the royalists from the southward, many of the home troops who had been drafted into the field were rebelling at what were deemed unnecessary severities of the new militia law. General Lincoln was so disgusted with this state of affairs that he turned over all the State militia to General Moultrie; but even that popular South Carolina officer failed to command complete obedience. The commander of the southern department then appealed to Governor Rutledge, who "promised to do all he could."

#### PREVOST CRUSHES ASHE

The American forces in the field were now concentrated in the extreme southwestern part of the State, just north of Savannah. At Purrysburg, on the South Carolina side of the river, were 3,000 or 4,000 men commanded by General Lincoln in person; Gen. John Ashe, of North Carolina, was encamped at Brier Creek, on the west side of the Savannah, in Georgia, with some 1,500 men; Gen. Griffith Rutherford, also of North Carolina, was in charge of 700 or 800 troops on Black Swamp, east of the Savannah, in South Carolina; and there were about 1,200 men at Augusta. General Lincoln's plan was to unite the forces in the Savannah region, crossing to the west side of the river and attack the British position in front of that place from the direction of Brier Creek. But the juncture was never made, for on March 3, 1779, General Prevost made a demonstration of crossing the Savannah and, while General Ashe's attention was thus diverted, he sent a detachment of 900 British troops under his brother, the lieutenant-colonel, and, by a circuitous route, reached the rear of Ashe's troops and routed them completely, with small loss to the British. Of the Americans, it is said that 150 fell on the field of action, a greater number were drowned in the Savannah and 27 officers and 200 men were made prisoners. They also lost seven pieces of artillery, all of their ammunition and baggage and nearly all their arms. Only 450 of Ashe's force rejoined Lincoln.



## STATE ALARMED OVER DESERTIONS

Coupled with the division of sentiment in various parts of the State and the actual response of disaffected settlers to the royalist cause, the British victory at Brier Creek was most disquieting to the patriots of South Carolina. The General Assembly passed an ordinance naming the death penalty for anyone who should even attempt to join the enemy, with confiscation of property. The public pulse took a new rebound when several mysterious fires occurred on Trott's Point, Charlestown. Finally, in March, about a week after the battle of Brier Creek, several men were arrested while attempting to get to the British lines. One turned state's evidence, one was acquitted and two (William Tweed and Andrew Groundwater) were tried, sentenced and hanged. The two named were connected with the incendiary attempt to fire Charlestown. They were executed March 15, 1779.

## LINCOLN INVADES GEORGIA

Brier Creek was a temporary set-back, but such men as Lincoln and Moultrie were not long deterred from again attempting to carry the war into Georgia.

Governor Rutledge and General Lincoln were convinced that the recovery of Savannah was the best method of protecting South Carolina and rescuing Georgia from British control. On April 19th, General Lincoln called a council of war at the headquarters which he had established at Black Swamp, twenty-five miles north of Purrysburg. At the conference over which General Lincoln presided were also Brigadier-Generals Moultrie, Isaac Huger and Jethro Sumner, the last named of North Carolina. The commander-in-chief informed his associates that he had 4,000 available men for the expedition, 1,000 more to be left to cover Black Swamp and Purrysburg. The Council advised the movement, especially as a supply of arms had just arrived to replace those captured by the British at Brier Creek.

General Lincoln, with about 2,000 men, arrived at Augusta April 22, 1779, whence he wrote to Moultrie that if the enemy threatened to attack his position and move toward Charlestown to delay him as much as possible so that he might be enabled to join him in defending the metropolis. Later he wrote to General Huger that he had received information that the British, strongly reinforced, were preparing to cross into South Carolina. This move, however, he persisted in believing was but a feint to draw him back from Georgia, and his persistency in this belief nearly caused the fall of Charlestown before the land forces of General Prevost.

## PREVOST INVADES SOUTH CAROLINA

On the 28th of April, nearly a week after Lincoln had reached Augusta, Georgia, General Prevost sent the greater portion of his army into South Carolina, and all that was between him and Charlestown was a force of 1,200 men commanded by General Moultrie. It was afterward ascertained that the British force which had gone forward to invest Charlestown numbered more than 3,600. Moultrie first concentrated his troops at Coosahatchie, on the river by that name, and then retired to Tullifinny Hill, where he intended to make a stand. The British were then about ten miles in his rear.

Col. John Laurens, who had been dispatched to Coosahatchie to

bring the rear guard to the new position, imprudently brought on an engagement with a superior British force, which resulted in several fatalities, the wounding of the too-ambitious young commander, and a general retreat of the American forces. The enemy hung onto his rear, burning bridges as he went, and on May 6th Moultrie had reached Ashepoo, Colleton County, on the direct way to Charlestown.

In the meantime, Moultrie had dispatched numerous messages to Lincoln, Governor Rutledge at Orangeburg and to Lieutenant Governor Bee and Colonel Pinckney, at Charlestown, acquainting them with the situation and calling for assistance. When he reached Ashepoo he made another futile attempt to reach Lincoln and endeavor to get an adequate force of picked continentals to stop the British advance and protect Charlestown.

#### BRITONS AND AMERICANS "ON TO CHARLESTOWN!"

It seems that Lincoln had started, on the day that Moultrie wrote him his urgent message, if practicable to divert the attention of the British from Charlestown; if not, to meet and engage him and save the city, but Moultrie found that his little army was dwindling, and that the enemy was carrying everything before him. He therefore withdrew to Dorchester, twenty-four miles northwest of Charlestown, many of his men leaving the ranks to protect their own homes and families. He reached Charlestown on the 9th. About the same time, Governor Rutledge, with his militia, and Colonel Harris, with his continentals, entered the town. Pulaski's small cavalry corps had been in Charlestown since the 8th, and on the 11th his infantry joined them—altogether not more than 125 men.

On the 10th the British force under direct command of Lieutenant-Colonel Prevost had reached Ashley Ferry, at the neck of the Charlestown peninsula, and which Moultrie had failed to seize. The ferry was twelve miles above town. The British crossed the river without opposition and on the morning of the 11th of May, 1779, appeared before the lines at Charlestown, the fortifications of which had been strengthened, but were still weak.

#### THE BRITISH AT THE GATES OF THE CITY

The only fighting and fatalities which occurred at this investment of Charlestown are thus described by McCrady, upon the authority of Moultrie's "Memoirs" and the address of Gen. Wilmot G. De Saussure before the Cincinnati Society in 1885: "On the 10th of May the British army reached Ashley Ferry in the evening and having passed the river without opposition appeared before the lines of Charlestown on the morning of the 11th. Upon their appearance, Pulaski with his legion and some militia had a skirmish with the advance guard, in which he was overpowered and lost most of his infantry, killed, wounded and prisoners. Among the killed was Colonel Kowatch, who had come with him. It was with difficulty that any of this party got back into the lines. This skirmish took place near the Nightingale race-course which, as we have seen, was laid out in 1754, a little above and east of the present Line and Meeting streets. The rest of the day was spent in other skirmishing without particular result. The enemy advanced in the afternoon as far as Watson's house, which was situated in the square now bounded by Line, Meeting, Columbus and King streets; but Moultrie opened upon

them with his cannon at the gate of the town, which stopped their progress.

"But now the evils of the want of a settled and acknowledged authority began to appear and resulted at once in a fatal accident. About ten o'clock or sooner," says Moultrie, "it being very dark, some of the people on the right imagined they saw the enemy approaching, upon which a few shots were fired, and immediately the firing ran almost through the lines with cannon, field-pieces and musketry, by which unfortunate mistake Maj. Benjamin Huger was killed and twelve others were either killed or wounded.\* Major Huger was a brave and active officer, an able councillor and a virtuous citizen. This party, without Moultrie's direction or knowledge, had been sent out of the lines to stop a gap which had been left open for a passage through the abatis."

The accident, regrettable though it was, resulted in the drawing of a sharp line between the military and the civil authorities. General Moultrie was given complete control of all matters of a military nature. Parlies and capitulations were reserved for the governor and his Council.

#### AMERICANS ASK TERMS OF CAPITULATION

The strength of the British who were now before the gates of Charlestown was much exaggerated, it being placed as high as 7,000 or 8,000. Relief was problematical, for the whereabouts of Lincoln with his 4,000 men, was still uncertain; and for a large trained force of the enemy to storm the town, whose land defenses were known to be weak, would probably mean the loss of many lives. At the suggestion of Governor Rutledge, General Moultrie sent an inquiry to General Prevost, the commander of the British forces, asking him "on what terms" capitulation would be granted, "should he (Moultrie) be inclined to capitulate."

The British commander replied in very general terms and named four hours as the limit of deliberation. Thereupon Governor Rutledge and his Council met General Moultrie, Count Pulaski and Col. John Laurens to consider the matter. All the military men were against capitulation, General Moultrie having already given orders to Colonel Cambray, the engineer, to hasten work upon the left of the lines of defense which were considered the weakest, and ammunition had been ordered to the front. The general estimated that at least 3,180 men were available for the defense of Charlestown, and he had previously informed Governor Rutledge that he believed they could hold the lines. Governor Rutledge's estimate of the force which could be relied upon for the defense of the town was considerably lower than Moultrie's—2,500 men.

Two accounts are given by personal actors in the affair, of the proposition finally submitted to General Prevost by Governor Rutledge and his Council as to the terms of capitulation—those contained in the Moultrie "Memoirs" and the Laurens "Manuscript"—both agreeing that South Carolina should remain neutral during the hostilities between Great Britain and America, its final status to be determined by the treaty of peace. Colonel Laurens positively refused

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\* It was Maj. Benjamin Huger who at his plantation near Georgetown first welcomed Lafayette to America June 13, 1777. It was his son Francis Kinloch Huger, then three years old, who in after years was to make the heroic but futile effort to rescue Lafayette from the Austrian prison at Olmütz.

to carry such a message to the enemy. It was finally carried by two other officers, but as Colonel Prevost refused to receive a communication from anyone but General Moultrie and demanded that the garrison surrender as prisoners of war, all negotiations were suspended.

"THANK GOD, WE ARE ON OUR LEGS AGAIN"

Upon this, notes General Moultrie, the governor and Council looked very grave and steadfastly on each other and on him, not knowing what he would say. After a little pause, Moultrie said to the governor and Council, "Gentlemen, you see how the matter stands; the point is this: I am to deliver you up prisoners of war or not." Some replied "Yes." "Then," said Moultrie, "I am determined not to deliver you up prisoners of war. WE WILL FIGHT IT OUT." Upon Moultrie saying this, Colonel Laurens, who was in the tent, jumped up and exclaimed, "Thank God, we are on our legs again;" and as Moultrie was coming out of the tent General Gadsden and Mr. Ferguson, two of the Council who were against giving up the town, followed him and said: "Act according to your judgment and we will support you."

THE BRITISH RAISE THE SIEGE

On the next morning, at daylight, the would-be defenders were surprised to observe the general withdrawal of the British. They did not then know that the enemy had intercepted a letter written on the 8th by Lincoln to Moultrie, in reply to one written by the defender of Charlestown, to the effect that the former was on his way to the beleaguered city. General Prevost had it in his possession while the conference was progressing (since the 11th), and surmising that Lincoln's advance would be even more rapid than it was, concluded to raise the siege as he did. The truth was that on the 12th Lincoln was still sixty-five miles from Charlestown. He was not making any forced marches and did not reach Dorchester until the 14th of May, the day after the British escaped. Having crossed the river, Prevost remained for some days near Ashley Ferry; then retired toward the seacoast and occupied John's Island, which is separated from the mainland by Stono River.

THE BATTLE OF STONO

For some time there was a British post on the mainland garrisoned by 1,500 men and commanded by Lieutenant-Colonel Prevost. This, Lincoln determined to attack. At first it was deemed too strong to carry, but from the 16th to the 19th of June, 1799, Lieutenant-Colonel Prevost and his successor in command of the post, Lieutenant-Colonel Maitland, had not only stripped the post of the bridge of vessels which connected it with John's Island, but reduced the garrison to about one-third its former strength. On the 19th, Lincoln ordered General Moultrie to throw as large a force as possible on to James Island to co-operate with him. But Moultrie did not reach Stono Ferry in time to be of assistance to General Lincoln, by transporting the 700 men under him up Wappoo Cut.

Moultrie's neglect of these instructions caused the failure of Lincoln's attack in what is known as the battle of Stono, fought June 20, 1799. The American army was put in motion at midnight of the 19th and about an hour after daybreak arrived before the enemy's works. The light infantry, continental troops and militia from North Carolina,

South Carolina and Virginia were supported by eight field pieces and cavalry. The British line was commanded by Lieutenant-Colonel Maitland, and was composed of the Seventy-first Regiment of Highlanders, part of a regiment of Hessians and provincial troops from the Carolinas. The Highlanders seemed to have been the mainstay of the British line, being in the advance and opposing the American continentals when the engagement began (about 7 o'clock) until all their officers and most of their men were either killed or wounded. The Hessians gave way before the North and South Carolina militia under Sumner, but were rallied and the British were able to reach the ferry, and Lincoln's men retired. Not only was the failure of Moultrie to bring his men into the engagement responsible for Lincoln's failure, but (so the American commander claimed) the fact that the patriot troops, carried away by their enthusiasm after they had crushed the Highlanders, returned the fire of the British infantry and artillery in kind, instead of assaulting the line with the bayonet, as had been ordered.

Whatever the cause of Lincoln's failure, it was another blow to the Americans, whose loss exceeded that of the British; the respective numbers of killed and wounded were about 150 to 130. The most prominent of those killed among the Americans was Col. Owen Roberts, commander of the Fourth Continental Regiment of South Carolina, an artillery unit. He had been active throughout the Revolution, and is credited with having checked the British at Savannah so as to enable the center of Howe's army to make its escape. Maj. William R. Davie, afterward one of the distinguished partisan leaders, was severely wounded and barely escaped alive from the field through the gallantry of one of his troopers.

The battle of Stono was soon followed by the British evacuation of the post, which Lincoln had attacked, and the enemy finally established himself at Beaufort, where General Prevost fixed a post in command of Lieutenant-Colonel Maitland. The bulk of the British army then returned to Georgia to recuperate during the unhealthy season of the early summer in the low country. The enemy had plundered that country, carried away much wealth in negroes and movable property and terrified the people, but from a military point of view had accomplished little.

#### DEATH OF WILLIAM HENRY DRAYTON

About the time that Count D'Estaing, the French naval commander, was off the Charlestown bar communicating with Lincoln and the State Government regarding his proposed expedition against the British for the recovery of Savannah, there occurred in Philadelphia the death of one of the great civil leaders of the Revolution. In September, 1779, William Henry Drayton died in that city while attending Congress as one of South Carolina's representatives, and his remains were there interred. He had served as president of the Provincial Congress and stood with Gadsden, as one of the radicals, at the outbreak of the Revolution and while the State was forming. As a member of the Council of Safety, he did not hesitate to actively enter into the physical phases of the contest with Great Britain, and later, as chief justice of the new commonwealth, did much to formulate its laws. Mr. Drayton was elected by the General Assembly of South Carolina as a delegate to the Continental Congress, to which he repaired at Yorktown, Pennsylvania, in March, 1778. He was still chief justice of South Carolina. As in his own State, he rejected, by

voice and pen, all overtures for peace made by Great Britain which did not carry with them the independence of the United States. Fearless and independent, he so criticized the conduct of Gen. Charles Lee at the battle of Monmouth, New Jersey, that he was challenged by that officer, but declined the duel on the ground that his office of chief justice precluded him from fighting a duel. Drayton was one of the pillars of American independence.

#### PREPARATIONS TO RECOVER SAVANNAH

When D'Estaing's French fleet finally appeared off Charlestown Harbor on September 1, 1779, to co-operate with Lincoln in the recovery of Savannah, its commander had partially redeemed his Rhode Island failure by seizing some of the British West Indies and capturing two British war ships and two store ships, off the Georgia coast. Correspondence had passed between D'Estaing and Governor Rutledge, General Lincoln, and Monsieur Plombard, the French consul at Charlestown. A division of two ships and three frigates was sent to Charlestown to perfect the detail of operations, and the remainder of D'Estaing's squadron, consisting of twenty ships of the line, two fiftys and eleven frigates, with 6,000 troops, appeared off Tybee Island, near Savannah, on September 8th, and the next day anchored off the bar. An effort had been made to so reform the obnoxious military act that the men sent into the field would remain in line. The authorities, however, seem to have gone to the extreme of indulgence in their efforts to eliminate the severities of the law. The State was to be divided into three military classes, each of which was to be relieved at intervals of two months. Under no circumstances were the men to be detained more than ten days beyond the two months' limit. The law provided for the raising of 5,000 soldiers, by high bounties, under these other easy terms.

The day before the French fleet had anchored off Charlestown, Lincoln had ordered that all the continentals be drawn from the forts and their places taken by the militia. The Georgia continental troops, under Gen. Lachlan McIntosh, were to march to Augusta, where they were to be joined by Pulaski's cavalry, and the combined force was to move southward and open communication in advance of the main army under General Lincoln. The latter was concentrated at Sheldon, Beaufort County, a few miles north of Port Royal and east of the Pocotaligo River, on the direct southwest route to Savannah. Lincoln there took command of the main portion of his army on the 12th of September, and expected that D'Estaing would, as prearranged, wait for his arrival at Savannah before commencing operations.

#### D'ESTAING'S PRESUMPTUOUS ACTION

But the general commanding the American forces reckoned without the count, in command of the great French fleet. On the very day that Lincoln was about to leave Sheldon to join his land troops to those of the French fleet, D'Estaing landed his 3,000 troops at Ossabaw Sound, several miles south of the Savannah River, and on the 16th, having pushed his advance further, demanded the surrender of the city held by Prevost "in the name of his most Christian Majesty the King of France," without reference to his American allies.

General Prevost, playing for time, diplomatically asked for twenty-four hours' grace, and within that period called upon Colonel Maitland at Beaufort for help; and, fortunately, received it from that prompt

and able officer. A portion of the command pushed through an almost impassable swamp before accomplishing the junction and the balance erected batteries on the shores of a neighboring sound from which they were not subsequently dislodged.

The result of this re-enforcement of tried British troops was an answer of defiance instead of an agreement to surrender. Had D'Estaing had that dash, that almost universally characterizes the French fighter, and attacked Prevost immediately after his arrival, victory would have been assured. When Lincoln joined him on the 23d of September, it brought the strength of the allied army to 7,000, but although the British garrison numbered only about 2,500, opportunity had been given to strengthen the defenses of the town and to increase the pieces of artillery from a dozen, or so, to nearly 100.

#### COSTLY ASSAULT OF THE ALLIES

A general bombardment of Savannah was deferred until the 4th of October and continued until the 9th, with little damage to the houses or defenses and small loss of life. It was therefore determined by Lincoln and Count D'Estaing that an assault should be made by land. Details of the plan of battle as arranged by the commanders-in-chief have been published. It was well conceived, but the writer and the reader are mainly concerned in what really happened. The main attack, instead of being made at daybreak, as planned, was delayed until it was clear daylight, and was led by D'Estaing, with 3,500 French troops, and Lincoln, with 600 South Carolina continentals and 350 Charlestown militia. In the face of a fierce and destructive fire of musketry, the Spring Hill redoubt was forced by these brave men, and the colors of the allies planted upon it. In a fresh charge ordered by Colonel Maitland against the already exhausted allies, he dislodged them from their unstable stand and they were obliged to retreat. At the same time, Pulaski, at the head of 200 horse, who had attempted to make his way through the temporary breach and penetrate to the British rear, received a mortal wound. The brave Sergeant Jasper, of Fort Moultrie fame, who had developed into one of the leading American scouts, also was wounded to the death while carrying the colors of the Second South Carolina continentals. The regiment lost Maj. Charles Motte earlier in the action. Captain Shepherd of the Charlestown militia was killed. Count D'Estaing himself was twice wounded, and lost in killed and wounded 337 men. The South Carolina continentals lost 250 men out of 600 who went into action. The Charlestown militia, although in the hottest of the fight, besides the death of its captain, had only six casualties and they of only wounded men.

At the conclusion of the disastrous assault, D'Estaing re-embarked his troops, and on the 19th of September, 1779, Lincoln commenced his retreat, which ended at Charlestown. Thence the remnant of the militia dispersed to their homes in South Carolina, and another disappointment was cast upon the sorely tried patriots of the Palmetto State, whose troops were "the most successful and the most to suffer" in a campaign which failed mainly from "the arrogance and folly of D'Estaing and the want of energy of Lincoln."

## CHAPTER XXVI

### BRITISH ENTRENCHED IN SOUTH CAROLINA (1780)

The year 1780 was perhaps the most critical in the Revolutionary history of South Carolina. Charlestown fell early in May before an overpowering expeditionary force which had again shifted the theater of war from the North to the South and, substantially, to the soil of South Carolina. The Palmetto State was to be the grand basis of operations from which the British armies were to sweep northward, draining the South of its wealth and, with large accessions of royal sympathizers, like an avalanche pass over and crush the more populous states beyond.

When the year closed and the leading southern metropolis was in possession of the British and a well trained and equipped army covering the interior of South Carolina, opposed only by a band of independent American officers, often ignorant of one another's movements, the imperial plan of conquering the United States through the South promised to be realized. The partisans were just commencing to show their value to the cause, as the year closed with the popular victory at King's Mountain, and Sumter's defeat at Blackstock of Col. Banastre Tarleton, the ablest, most cold-blooded and dashing of the troopers in the British service.

#### CLINTON PREPARES FOR A GREAT SOUTHERN CAMPAIGN

With D'Estaing bound for the West Indies, the British navy was supreme in American waters and it was a favorable opportunity to attempt the new military plan. It had failed several times, but that was no reason why it should not now succeed. The important enterprise was entrusted to Sir Henry Clinton, then the commander of all His Majesty's forces in America. He had projected the investment and final capture of Savannah and the unsuccessful operations against Charlestown under Prevost. The incursions of the British into Georgia and South Carolina had disclosed both the wealth of the country and its military weakness. When Admiral Mariot Arbuthnot arrived from the mother country, late in the winter of 1779, when campaigns against the northern armies were impracticable, and brought with him troops, provisions and stores, Sir Henry deemed the time had come for the British to strike a decisive blow in the South.

Tarleton says, in his "History of the Campaigns of 1780 and 1781": "The richness of the country, its vicinity to Georgia, and its distance from General Washington pointed out the advantages and facility of its conquest. While it would be an unspeakable loss to the Americans, the possession of it would tend to secure to the crown the southern part of the continent which stretches beyond it."

#### LINCOLN'S SMALL DEFENSIVE FORCE

Washington had received news of Clinton's projected expedition but, while the call from South Carolina for aid became more and more



imperative, he could send words of sympathy instead of men to fight. The Maryland Division, however, the Delaware Regiment and the First Artillery, with the consent of Congress, were ordered South, and the Baron De Kalb was instructed to lead the troops to Charlestown. "The Southern army," says Henry B. Carrington, "was numerically weak, and the Northern army was hungry." Two Connecticut regiments in May had mutinied, declaring that they would march home, "or at least gain subsistence by the point of the bayonet," and handbills, printed in New York, urging the soldiers to desert, were secretly circulated.

The long marches overland, however, made the arrival of the Continental troops uncertain and slow. A North Carolina Continental brigade of about 700 men under General Hogan did not reach Charlestown until March 3, 1780, and some 750 Virginia Continentals did not appear until April 6th. These troops, and two frigates, a twenty-gun ship, and a sloop of war, comprised all the aid which Lincoln received from Congress, and few of the soldiers promised by the states of North Carolina or Virginia ever came. Altogether, it is estimated that Lincoln had under his command to oppose Clinton's formidable force, 1,600 Continentals and horsemen and 2,000 militia.

#### CLINTON'S AND ARBUTHNOT'S FORCES

On December 26, 1779, Sir Henry Clinton embarked his army of 7,550 men, with ample cavalry, artillery and provisions, and set sail for the point of rendezvous at Tybee, Georgia. The expedition was convoyed by Vice Admiral Arbuthnot, who was in command of the largest naval force in American waters and the second largest British flotilla which ever set forth against a port in the United States (the largest was that sent against Philadelphia under Howe). Clinton also took with him Earl Cornwallis, who was to be such a figure in the military affairs of the South until the end of the war.

The British fleet was so badly dispersed by storms that few of its ships arrived at Tybee until the end of January, one ordnance vessel foundered, most of the artillery and all cavalry horses perished. Clinton had received news of the reenforcements promised Lincoln and determined to add to his own strength before sailing for Charlestown. He left some of his men in Georgia, but obtained 1,200 from the Savannah garrison and 3,000 from New York; so that when his army disembarked at John's Island below Charlestown, February 11, 1780, it comprised more than 13,500 men.

#### JOHN RUTLEDGE THE DICTATOR

The second week in February, the Assembly, sitting in Charlestown, hearing of the appearance of the British on the Edisto, immediately adjourned, all military officers in that body being ordered to their posts. But, before adjourning they conferred extraordinary powers upon Governor Rutledge, who for two years was to "keep up an organization of the government" and by general consent to exercise dictatorial power, and, sometimes, "almost alone to carry on the war." The power delegated to him was, "till ten days after their next session to the Governor John Rutledge, Esquire, and such of the Council as he could conveniently consult, a power to do everything necessary for the public good except the taking away the life of a citizen without a legal trial."

Actually in the town, to defend it, Lincoln, whose headquarters

were then in Charlestown, had upwards of 3,000 regulars and militia, including some North Carolinians. The South Carolina militia had not reported to either Moultrie or Lincoln, on the plea that they dare not go to Charlestown on account of the smallpox, which the latter declared no longer existed.

Two miles above Dorchester, or twenty-four miles from the threatened town, was a camp under Lieutenant Colonel Marion, comprising about 600 continentals and horsemen.

#### WHIPPLE'S WORTHLESS FLEET

Moultrie, who was in general command of these outside forces of observation, reported to Lincoln toward the last of February that the enemy was collecting in flat-bottom boats in the vicinity of Wappoo Cut with the evident intention of crossing over the Stono and investing the town from the west. In the early part of March, General Moultrie was obliged, on account of illness, to relinquish command of the outside post near Dorchester and was succeeded by General Huger. Commodore Whipple was in command of the *Briscole*, 26 guns; the *Providence* and *Boston*, each 32 guns; the *Queen of France*, 28; *L'Aventure* and *Truite*, each 26 guns; the *Ranger* and *General Lincoln*, each 20 guns, and the *Notre Dame* of 14 guns. They were moored between Sullivan's Island and what is now Fort Sumter. Whipple had earlier expressed confidence that he could prevent the British ships from crossing the bar, but on March 20th the British squadron safely crossed the bar, and the American fleet retired. Lincoln, yielding to Whipple's fears, had withdrawn the American fleet from the entrance to the harbor. Peter Timothy rightly regarded this action as "the crisis of our fate," and McCrady, writing 120 years later, significantly remarks, "had Moultrie been in command, somebody would have been hurt before the harbor was abandoned. Excepting the *Ranger* and two galleys, the ships were dismantled and their guns transferred to Fort Moultrie, the sailors themselves were sent to various commands, and the hulks of the ships were sunk across the channel in an unsuccessful effort to prevent the incoming of the British fleet.

On the morning of the 20th of March, 1780, the British fleet passed beyond the bar at Charlestown harbor and safely anchored within. Five days afterward, Clinton's land forces received a welcome reinforcement in the shape of 1,500 British regulars and volunteers and royalists from the States, with Tarleton's famous legion of dragoons and infantry—all from Georgia. Although impeded somewhat in their marches from the Savannah by Colonels Ferguson, Williamson and Pickens, the two British commands effected a junction and arrived at Stono Creek, where on March 25th they were reviewed by Sir Henry Clinton.

Since the 7th of March, the British troops had been gradually nearing Charlestown. On that day a force of a thousand crossed Wappoo Cut and occupied land on the right bank of the Ashley, three miles from the American post at Ashley Ferry, opposite the town. The surprise was so complete that not only were the little garrison taken, with a large number of cattle, but Thomas Farr, speaker of the House of Representatives, his small son, and John Lloyd, were captured. From that time until the arrival of the reinforcements from Savannah, the British continued to erect batteries on the right bank of the Ashley, in order to cover their contemplated crossing to Gibbes' Landing, about two miles from town.

## AMERICAN ARMY MOVES INTO POSITION

The look-out in St. Michael's steeple, Charlestown, had observed and reported all these movements, and on the 26th of March, 1780, Lincoln moved his army into position behind the works, which now stretched across the Neck from Cooper to Ashley rivers. In their center was a strong citadel. South of this main line were batteries on Coming's Point, and works also extended on South Bay between the two rivers. Defensive works—which McCrady says "were little more than field works"—were thrown up on all sides of the town where landings were practicable. The American continentals, or regulars, were posted along the main line, and the militia at less exposed and vital parts. Lincoln's entire force at that time amounted to only 2,225, and could therefore not spare a man to dispute the passage of



ST. MICHAEL'S STEEPLE—HUGUENOT CHURCH

the river at Ashley Ferry by the British, which commenced on March 29th. On that day the hopes of the Americans were dashed when Col. J. B. Tarnant, who had been sent by Governor Rutledge to obtain assistance from our Spanish ally, returned with the report that the governor of Havana doubted his authority to accede to Rutledge's proposition. A council of war held by Lincoln and his officers two days before had decided that Fort Moultrie should not be evacuated, now that the harbor had been abandoned by the Congressional ships. On March 30th, a considerable British force marched ten miles toward Charlestown, but when within two miles of town were opposed by a small detachment of skirmishers and a couple of field pieces under Colonel Laurens. The skirmish amounted to nothing decisive, and is mentioned only because it was the first encounter of the siege. Captain Bowman, of North Carolina, was killed and a number of officers and men on both sides were wounded.

The British army and navy were in direct communication, before April 1st, and Clinton's men began systematically to advance their trenches toward the American works stretched across the Neck, or direct approach to Charlestown. The Americans worked feverishly

to strengthen their own defences. During the early part of April, cannonading was quite brisk on both sides, but little damage was done. The town was subjected to quite a heavy fire from the British galleys and batteries at Wappoo.

#### ENEMY SHIPS PASS FORT MOULTRIE

While this was at its height, the besieged were encouraged on April 7th by the arrival of a brigade of Woodford's brigade of Virginians and some North Carolina militia. The rejoicing at the coming of these reinforcements was chilled by apprehension at the sight of the advancing British fleet, which, ship after ship, steamed past Fort Moultrie, steadily giving and receiving fire, and finally, at about 5 o'clock in the afternoon, was anchored in the roadstead above Fort Johnson. A transport had run aground and was afterward destroyed and several top masts had been shot away; otherwise, the fleet was intact. The loss of men was more serious; for Colonel Pinckney's gunners at Fort Moultrie had served their pieces with such effect as to take the toll of fourteen British seamen killed and fifteen wounded. None of the Americans was injured and the damage to the fort was negligible.

#### FIRST SUMMONS TO SURRENDER

Having conferred at the British headquarters on Charlestown Neck, Clinton and Arbuthnot, on the 10th of April, 1780, summoned Lincoln to surrender the town and garrison of Charlestown. Without consulting anyone, the American commander immediately refused the offer. Lincoln's spirited answer to the summons of Clinton and Arbuthnot reads as follows:

"Gentlemen:—I have received your summons of this date —. Sixty days have passed since it has been known that your intentions against this town were hostile, in which time has been afforded to abandon it, but duty and inclination point to the propriety of supporting it to the last extremity.

"I have the honor to be, &c,

"B. LINCOLN,

"Commanding in the South Department."

On the following day, the British batteries opened fire and the men pressed on their works, while the Americans replied in kind and renewed their efforts to strengthen their lines. April 12th was more quiet, but the 13th brought a terrific bombardment of two hours, during which every shell known to that day was thrown into Charlestown. Not only were many houses fired, but a number of residents were killed.

#### NUCLEUS OF STATE GOVERNMENT LEAVES

At the request of Lincoln, a portion of the State Government on April 13th left the besieged town while yet an open way of escape remained, over the Cooper River. On May 13th, therefore, Governor Rutledge, Col. Charles Pinckney, Daniel Huger and John L. Gervais (the three last named, of the Council) departed from Charlestown, as the nucleus of a State Government. In town there remained Christopher Gadsden (who had been appointed lieutenant governor, in place of Thomas Bee, then absent as a member of the Continental

Congress), and the remaining members of the Council, Thomas Ferguson, David Ramsay, Richard Hutson and Benjamin Cattell. The governor and his associates left the city in the midst of the most furious bombardment of the 13th.

#### TARLETON'S VICTORY AT MONCK'S CORNER

The avenues of escape from Charlestown, by way of the Cooper, had been covered by General Huger, with a strong force of horsemen and some militia. Clinton determined to cut even them off, if possible, and on the 12th, therefore, Lieutenant Colonel Tarleton, who had been posted on the Neck, six miles from Charlestown, joined his legion to the riflemen commanded by Major Ferguson. On the night of the 13th (Governor Rutledge and his government had escaped in the morning), Tarleton's combined force moved against Huger's cavalry, which was posted in front of Cooper River; a bridge crossed the river, at this point, and on the other side was the militia snugly settled in a meeting-house. The British commander charged the American cavalry with his usual vigor, routed them, forced the bridge and dispersed the militia at the point of the bayonet. His victory was complete. Of the Americans, Major Vernier, of Pulaski's Legion, three captains, one lieutenant and ten privates were killed; one captain, two lieutenants and fifteen privates wounded, and many prisoners taken. The booty taken by Tarleton, in horses, arms and equipment, has not been definitely determined. It is known that he captured many fine horses, as Monck's Corner, where the engagement was fought, was in the center of a splendid stock-raising country, from which not a few of the best American mounts were drawn.

General Huger escaped to the neighboring swamps—to fight again at the first favorable opportunity, as did Colonel Washington, Major Jameson and others associated with him.

The immediate effect of Tarleton's victory was, with movements which Clinton soon afterward put in motion, to "bottle up" Charlestown. In spite of this almost complete cordon, however, men familiar with the country, and some considerable bodies, went to and came from the beleagured town, and communication with the outside world was not absolutely stopped. That isolation was made more complete when Clinton, having received the New York re-enforcements of 3,000 men, sent Lord Cornwallis to a position east of the Cooper River. That was but the beginning of a long and varied experience enjoyed—or suffered—by Cornwallis in his warfare with the partisans and other brave officers of the American Carolinas.

By the middle of April, the British batteries were again belching their shells into Charlestown. St. Michael's steeple was struck, as it was by Gillmore's guns over eighty years later, and the arm of Pitt's statue was carried off;—and so it remains today. The enemy was within 800 yards of the American line of defenses, and on the 18th several fatalities occurred, including the death of General Moultrie's aide-de-camp, Philip Neyle. By the 19th, the British trenches were within 250 yards of the town lines.

#### COUNCIL OF WAR CONSIDERS CAPITULATION

Then General Lincoln called in his officers, including Colonel Laumoy, the engineer in charge of the defenses, for a council of war. There was a division of sentiment as to the advisability of evacuation. Col. C. C. Pinckney, who had come over from Fort

Moultrie to attend the conference, and Christopher Gadsden, the lieutenant-governor, who had been invited to the council, were so bitter in their opposition to any evacuation that they were decidedly lacking in courtesy to Lincoln, whom they criticised for calling any conference whatever. Finally, not only was the lieutenant-governor present, but the other members of the Council, although the conference originally gathered as a military body, and it appeared that Lincoln had at least listened to the representations of his engineer, Colonel Laumoy, that the defenses of Charlestown were inadequate. Gadsden, however, carried the day (as usual) and it was determined to resist the enemy.

After two more days of bombardment, during which the casualties had become numerous, and with knowledge of the nearer approach of the British lines and also influenced by the continuous assurances of his engineer that the town was not sufficiently protected to withstand such an assault as the enemy could make, Lincoln sent a flag of truce to Clinton proposing terms of capitulation. A cessation of hostilities for six hours was at first proposed, which was extended to thirty-six. Lincoln's terms were sent on April 21, 1780, but they were such as no army in such an advantageous position as the British would accept. It was virtually proposed that after the expiration of the thirty-six hours, the American army should withdraw unmolested to Lempriere's Point—on the way of the only route now open—that the sick and wounded should remain in town and be cared for by the enemy; that the three continental ships of war which had not been sunk and a French ship of war then in the harbor should be allowed to escape to the open sea, and that all turned over to Sir Henry Clinton should be the bare town, fortifications and forts.

Of course, these summons were summarily rejected, and Lincoln was so informed by 8 o'clock that night. The cannonading by the British was resumed. A sally from the Charlestown fortifications—and the only one of the siege—was made April 24th, which resulted in the death of fifteen British soldiers at the point of the bayonet, and the killing of Capt. Thomas Moultrie, a brother of the general. It was a daring and successful feat, but the sortie was of no permanent advantage. On the same day Col. Richard Parker, of Virginia, was also killed by a rifle ball while directing artillery fire at the enemy. Gen. L. L. Duportail, a distinguished French engineer, with letters of high recommendation from General Washington, avoided the British investment and reached Charlestown on April 26th. His expert opinion was most discouraging, for he entirely concurred with his countryman, Colonel Laumoy, that the works were not tenable; indeed, he declared that "the British may have taken the town ten days before."

The last week in April, Col. C. C. Pinckney was replaced in command at Fort Moultrie by Lieutenant-Colonel Scott. Since the passage of the fleet before it, the fort was no longer considered of tactical importance. Both Colonel Pinckney and Lieutenant-Colonel Laurens, who had been posted at Lempriere's with his light infantry, were ordered to Charlestown.

#### SURRENDER OF FORT MOULTRIE

On the 25th of the month, the day after the sally from the town works, Lord Cornwallis, with his 3,000 men, occupied Haddrell's Point, on the mainland between Fort Moultrie and Lempriere's, thus cutting off the garrison under Scott. The American detachment at Lempriere's thereupon retreated, and the British took possession.

Every avenue of escape or relief was now closed by the enemy, although even now several parties eluded the British guards and left the garrison. On the 7th of May, 1780, the little garrison at Fort Moultrie, consisting of about 200 men under Lieutenant-Colonel Scott, cut off from all succor by Lord Cornwallis's army, surrendered the historic fortress in the face of a hopeless situation. Admiral Arbuthnot had landed a substantial body of seamen and marines to storm the fort from the west, while his ships were to open upon it from the harbor. The Americans marched out "with all the honors of war," and were treated as prisoners of war on parole, under the further agreement that they, with their families and friends, might reside anywhere but in Charlestown while it was under siege.

#### JESTING ABOVE THE VOLCANO

In the midst of all the turmoil and carnage, and while the Americans had almost ceased to hope against hope, there were international pleasantries, one of which is described by Moultrie, Garden and Simms. It appears that the British threw several shells charged with flour and molasses, with an inscription addressed "to the Yankee officers in Charlestown," courteously informing them that it contained a supply of commodities of which they stood most in need. (Simms remarks, parenthetically, "Our Eastern brethren must remember that 'Yankee' in the European mouth, applied to all the Americans—Lincoln and Whipple were probably the only two of Yankee nurture that were in the city"!) Having ascertained that the shell was sent them from a battery manned by a force entirely Scottish, the Americans emptied the shell of its contents and, filling it with lard and sulphur, threw it back to their courteous assailants, with the same inscription which originally accompanied it.

On the day following the surrender of Fort Moultrie, Sir Henry Clinton sent another summons to Lincoln to surrender. There followed another council of war, the submission of terms which the Americans would accept; and the consideration of those terms by Clinton and Arbuthnot. Several of the provisions were the same they had already rejected. During these negotiations, which came to naught, hostilities had been suspended, but firing was renewed on the 9th with greater vigor than ever, and so continued the entire night. To indicate their determination, the Americans had themselves fired the first gun at the British batteries.

Several houses had been burned as the result of the bombardment, numerous fatalities had occurred, the British had completed their last (third) parallel of investing ditches and were within a short distance of the Charlestown lines, when Lincoln received a petition signed by a majority of the inhabitants and the country militia asking him to send out a flag to the enemy intimating that his terms would be accepted. On the following day (May 11, 1780) the British soldiers were within twenty-five yards of the main works, and were preparing to assault them and storm the town, when the flag of truce, asked by the people, appeared. This popular appeal was accepted by the British commanders at its face value, and the terms of capitulation, as agreed upon, were carried out on the following day.

#### FALL OF CHARLESTOWN, MAY 12, 1780

As Moultrie says in his "Memoirs": "About eleven o'clock A. M., on the 12th of May, we marched out, between fifteen and sixteen

hundred Continental troops, leaving five or six hundred sick and wounded in the hospitals, and piled our arms on the left of the horn-work. The officers marched the men back to the barracks, where a British guard was placed over them. The British then asked where our second division was. They were told these were all we had except the sick and wounded. They were astonished and said we had made a gallant defense. The militia were marched out the same day and delivered up their arms at the same place. The Continental officers went into town to their quarters, where they remained a few days to collect their baggage and sign their paroles, and then were sent over to Haddrell's Point.

"The British do not seem to have been satisfied with the delivery of the arms by the militia, for they were ordered the next day to parade and to bring all their arms with them—guns, swords, pistols, etc.—and those that did not comply were threatened with having the grenadiers turned in among them. This threat brought out the aged, the timid, the disaffected and the infirm, many of whom had never appeared during the whole siege, but which swelled the number of militia prisoners to at least three times the number of men who had ever been on duty."

#### THE LOSSES OF THE SIEGE

Through the carelessness of the British in storing some of the ammunition captured, an explosion occurred in a town magazine killing a guard of fifty men besides many resident bystanders. A general conflagration was threatened for a time; the troops were turned out under arms and the British suspected a conspiracy on the part of the Americans. This accident caused the greatest loss sustained by the enemy during the entire period of the siege. In actual warfare 78 of the British were killed and 189 wounded. The loss of the Americans was greater, yet remarkably small, exposed as they were to the guns of the fleet from the east, the batteries on James Island from the south, the fire from the land and the galleys at Wap-poo from the west, and to the continuous assaults of the infantry and artillery against the main line of defenses from the north. During the forty-two days of the siege twenty of the inhabitants of Charlestown were killed. The casualties among the defenders were virtually confined to the continentals and the Charlestown battalion of artillery, who held the main line. They suffered a loss of 89 killed and 138 wounded. Many houses in the town were damaged and probably thirty were burned. It is impossible to arrive at a reliable conclusion as to the actual number of prisoners taken by Clinton, as the figures given by British and American officials vary so widely. Clinton reported about 6,000 prisoners, "men in arms"; Deputy Adjutant General, Maj. John André returned 5,684. McCrady estimates the continental soldiers in the garrison at 2,650. It is difficult to even approximate the number, but Clinton's report is obviously misleading, for he included "every adult freeman of the town, the lame, the halt and the blind." The number of officers was altogether out of proportion to the rank and file, and included 1 major general, 6 brigadiers, 9 colonels, 14 lieutenant colonels, 15 majors and 84 captains.

#### CORNWALLIS TO ESTABLISH THE BRITISH IN THE INTERIOR

At the fall of Charlestown, Sir Henry Clinton at once placed a substantial portion of his army under the command of Lord Cornwallis,



with directions to capture Governor Rutledge and what remained of the State Government, to sweep the State of hostile troops, to consolidate the royalists and in every way to make the territory and its people British in name and fact. Clinton himself wished to return to New York before the arrival of an expected French fleet, and because he believed New York was to be the principal scene of operations, now that the greatest stronghold of the South was in his hands.

On June 3d, two days before his departure, General Clinton issued a proclamation, "requiring the inhabitants of the Province of South Carolina, including prisoners on parole, to return to their allegiance, or be treated as rebels to the government of the King." This was based on the assumption of restored supremacy, and as H. B. Carlington says: "It ignored the terms of honorable surrender; it set at naught all sound military policy, and quickened the energies of the people to fresh assertion of independence."

The movement of Cornwallis's army now commenced into the up-country, to which the State Government and most of the available American troops under Lieut. Col. Abraham Buford, of Virginia, had retreated. On the 18th of May the division of 2,500 men under his immediate command left Christ Church Parish for Lenu's ferry, where it crossed the Santee River into what is now Williamsburg County, and marched toward Camden, its destination. Another division under Lieutenant Colonel Brown moved toward the Savannah River and Augusta and the third under Lieutenant Colonel Balfour, passed up the Congaree to Ninety-six, in what is now Greenwood County. They were occupied without resistance, fortified, garrisoned and made Camden, Augusta, and Ninety-six the chief centers for the campaigns conducted by Cornwallis against what was to develop into a most elusive foe.

#### TARLETON BUTCHERS BUFORD'S MEN

Nine days after commencing his march, Cornwallis reached Nelson's ferry, on the eastern side of the Santee, and at that point detached Tarleton, with about 300 horsemen, sending him in pursuit of Colonel Buford and his Virginians, who had retreated along the same road now being taken by the British, a short time before. The American was headed northward to meet reinforcements coming from Salisbury, North Carolina, and the British cavalryman pursued him with characteristic celerity and tenacity. At Claremont (now Stateburg) he nearly captured Governor Rutledge and two members of the Council who were with him, but the existing State Government was warned of the approach of Tarleton by its host and escaped. When he reached Camden, the British leader learned that Buford had left Rugely's Mills, fifteen miles above, and was endeavoring to effect a junction with some North Carolina reinforcements which had been sent from Charlotte.

Purposely exaggerating the strength of the pursuing force and representing also that Cornwallis was within striking distance with nine British battalions, Tarleton sent a messenger forward to demand Buford's surrender. This strategy may have delayed the march of the Americans. At all events the British force overtook them at the Waxhaws, near the North Carolina line, in what is now Lancaster County, South Carolina, in the afternoon of May 29, 1780. The engagement which followed developed into nothing short of a massacre by the British, the incidents of which would have disgraced even the annals of Indian warfare.

No quarter was given by Tarleton and his men. Instances of inhuman butchery are attested beyond dispute. The cold figures are that the Americans lost 113 killed, 150 badly wounded and 53 prisoners. It is said that most of those wounded subsequently died. The British loss was 5 killed and 14 wounded. Like all other violations of what has been politely termed "civilized warfare," the Tarleton massacre at the Waxhaws, instead of horrifying the enemy to the point of quiescence, or partial paralysis of action, had the effect of stirring them to more fiery deeds of resentment.

Tarleton himself, possibly anticipating the verdict of after times, when he came to write his "Campaigns," makes a labored explanation of this, perhaps, most disgraceful act of his life.

#### APPARENTLY IN COMPLETE SUBJECTION

A few days after Buford's defeat, Cornwallis reached Camden, where Tarleton joined him, and soon afterward the residents of that place, as well as the Ninety-six district, were granted the same terms of capitulation the British had granted the people of Charlestown—that they were to be considered prisoners on parole. The inhabitants of the Beaufort neighborhood accepted the same terms.

The fighting strength of South Carolina seemed quite broken. The continental soldiers were prisoners of war, and the militia was dispersed, while practically all the military and civil leaders of the State were either on parole or had fled to North Carolina. In the latter class were General Huger, Lieutenant Colonel Marion, Major Pinckney and Governor Rutledge. Nearly all the other members of the State Government were prisoners of war at Charlestown. In fact, the truth of Clinton's assertion to the British secretary of state, to whom he wrote as follows, on June 4, 1780, was hardly open to dispute: "I may venture to assert that there are few men in South Carolina who are not either our prisoners or in arms with us."

What seemed like the progress of a state of complete subjection was accomplished by a system of plunder on the part of the invaders. The officers of the army disputed with the officers of the navy as to their just share of the plunder in silver plate, indigo, merchandise, tobacco, horses, slaves, etc., taken at Camden, from the plantations, from buried stores, etc. Finally, the British commander was obliged to appoint an adjudicating body called commissioners of captures; and even they could do little to regulate the mad rush for plunder made by British regulars and hired Hessians.\*

Sir Henry Clinton doubtless chafed under these days of "small things." His grand scheme of conquering the states from South to North had not worked out as he desired, though he had made a stand in South Carolina. On the first of June, 1780, preparatory to his return to New York, as already stated, he had addressed a letter of instructions to Lord Cornwallis at Camden. He intimated that his plan of campaign included the subjugation of both South and North Carolina by September or October, when Cornwallis might be free to co-operate again with Admiral Arbuthnot and himself in operations on the Chesapeake; first taking posts in the Hampton Road region and thence proceeding up the Chesapeake to Baltimore. It was a very nice plan, but various events and Americans sadly interfered with it.

On June 3d, 200 citizens of Charlestown addressed Sir Henry

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\* Bancroft, George: The value of the spoils which was distributed by English and Hessian commissioners of capture amounted to about £300,000.

Clinton and the admiral, congratulating them on their success and enrolling themselves as loyal subjects to the king. Some of them were Scotch merchants, who had been royalists before they put forth their address of congratulation. Many others, including some distinguished names, were South Carolinians who thought Clinton's conquest decisive.

On the 5th of June, 1780, under such bright auspices for the re-establishment of the royal cause in South Carolina, Sir Henry Clinton embarked for New York, leaving 4,000 men under Lord Cornwallis. The principal British force was at Camden, under Lord Rawdon, a young, rich and able officer, who had already distinguished himself at Bunker Hill, Monmouth and other northern battles.

## CHAPTER XXVII

### THE PARTISANS: NEW LEADERS AND NEW METHODS (1780)

About the time that Clinton was leaving the shores of South Carolina with the bulk of his original expedition, the young Lieutenant Colonel Lord Rawdon (he was only twenty-six years of age) was advancing from Camden into the Waxhaws with a small portion of his command, to "feel out" the sentiment of the people toward the royal cause. Not finding it as favorable as he expected, he returned to Camden.

When Lord Rawdon retired, Brigadier General Rutherford, of North Carolina, who had previously come to the assistance of the Whigs of South Carolina, was a few miles from the border-line at Charlotte. He had at his disposal 800 militia, with a small force of cavalry under the young and handsome Maj. William R. Davie. The latter had already made his mark as an officer of Pulaski's legion, and had only recently recovered from his wounds received at Stono River. Major Davie will be heard from, prominently, hereafter.

The news of Clinton's plan to organize the Tories of South and North Carolina as a part of his plan to commence the consolidation of the British Empire in the United States from the South, had been carried over the line. When General Rutherford, therefore, heard that nearly 1,300 Tories had assembled at Ramsour's Mill, Lincoln County, in his own State, and that Lord Rawdon, their natural protector, was again at Camden, he resolved to attack them and ordered Col. Francis Locke to that point, where, on the 20th of June, 1780, Locke made a spirited and successful attack with only 400 men. The British, surprised by Locke's cavalry, were thrown into confusion and driven from the hill. It is said that about seventy men were killed on either side and that about 100 were wounded, both of Americans and British, and fifty Tories were taken prisoners. Although rather a small engagement, it had the effect of completely breaking the spirit of the royalists in that part of North Carolina, upon whose co-operation the British had counted as a step in their scheme of southern conquest.

That portion of the sister State was, in fact, a harbor of refuge for eminent South Carolina refugees. Sumter, who after the fall of Charlestown had again entered the field, had joined Governor Rutledge. He also had narrowly escaped the claws of the rapid Tarleton, who, finding that his prey had eluded him, burned Sumter's house. Marion upon arriving at Hillsboro had found General Issac Huger and others. There they were introduced to Baron De Kalb, the brave French pensioner, who had been sent by Washington to the relief of South Carolina. Thus Marion, Sumter and Davie, three of the representative partisans of South Carolina, were all just over the North Carolina line, ready and eager to do their parts in reversing the military situation in the South.

## HUCK SENT TO CRUSH THE WHIGS

Even before the advance of Cornwallis's army into the up-country and the butchery of Buford's men, the Tories had been organizing in that section of South Carolina, and in May and June, 1780, meetings were held and organization effected in what are now Fairfield, Chester and York counties. The Whigs also had their gatherings and so many clashes between the two factions occurred as to raise the conflicts almost to the dignity of civil war. Late in May a party of Whigs had dispersed a Tory gathering at Mobley's meeting house, six miles west of Winnsboro, present county of Fairfield, and in several other instances the royalist element appears to have been suppressed. Lieutenant Colonel Turnbull, who commanded the post at Rocky Mount, Chester County, thereupon sent Capt. Christian Huck \* into the disturbed district with a mixed detachment of about a hundred horsemen and militia. Huck was a Philadelphia lawyer who had come from New York with Tarleton, and evidently possessed all the cruelty of that officer with none of his military ability.

Captain Huck's chief object was to burn the church and, if need be, the congregation of the Rev. John Simpson, a Presbyterian minister in charge of the Fishing Creek district who had been active in dispersing Tory meetings. With his party, the British leader started for his destination on Sunday morning, June 11th, but finding that the pastor had escaped and joined the military service of the enemy under Sumter, he commenced to desolate the country round-about, not stopping short of murder. He burned Pastor Simpson's house, with all its contents, including a library and valuable manuscripts, and then advanced to Hill's Iron Works, which he utterly destroyed. This was the important plant of Col. William Hill and comprised not only a grain and saw mill, but extensive iron works which Hill had established before the Revolution in partnership with Col. Isaac Hayne. In addition to farm tools, machines, shop supplies, these works, at the outbreak of the war began to make cannon, and grape and round shot and to repair and refit rifles. Colonel Hill's warm championship of the patriot cause and the invaluable military products marked the place for destruction by the British. There was perhaps no other such establishment in the Carolinas. Huck ravaged the entire district around White's Mills, Chester County. But his nemesis was on the way.

## SUMTER ESTABLISHES CAMP IN SOUTH CAROLINA

Sumter had already established a camp in Lancaster County, just below the North Carolina line, having obtained for that purpose from the authorities of the State the wagons, horses and provisions taken from the Tories at Ramsour's Mill. Here Col. William Hill, who had been elected to a command by popular vote of the Whigs, and Col. Andrew Neel, who had before commanded some militia in what is Spartanburg County but who had also been thus honored, joined Sumter's forces. Other detachments of Whigs soon arrived under such leaders as Col. William Bratton, of York, Capt. John McClure, of Chester, Richard Hampton, from the Tyger River, Col. Edward Lacey and Col. Elijah Clarke, of Georgia.

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\* The name is spelled in three ways: Huck, Houck, and Huyck.

## HUCK DEFEATED AND KILLED

Under instructions from Colonel Turnbull, Huck had now commenced his advance toward the Carolina frontier, and stories of his atrocities were being continually brought into Sumter's camp. Colonel Bratton and Captains McClure, Hill and Neel, joined their forces and, with their 500 men, determined to drive the barbarian from the country. Although some of their number were dispersed under mistaken orders, about 260 remained for their purpose. In the meantime, Huck had advanced to the plantation owned by Colonel Bratton in York County, a few miles from the Chester County line, and after one of his troopers had threatened the life of Mrs. Bratton and all arrangements had been made to burn the residence, he moved his force to Williamson's plantation in the immediate neighborhood.

There, on the morning of July 12, 1780, the Whigs, in two parties, attacked Huck's men, many of whom were asleep in their tents. They were charged three times with the bayonet by the British who rallied, but the rifle fire of the Americans was too deadly for such tactics, and they were forced to retreat. At this point in the engagement, Huck appeared coatless to rally his men, mounted a horse and was shot dead. The Whigs then scaled the fence from which they had been firing, charged the enemy and their victory was complete. The Tories who did not surrender were pursued thirteen or fourteen miles, and several of them shot in their tracks. About forty of them were killed and fifty wounded. The Whigs had but one man killed. The most pronounced gain to their cause, through the engagement at Williamson's plantation, was the death of Huck. It had another effect, potent and significant, however small. A Whig command had been opposed by British regulars and had won.

## COL. PATRICK FERGUSON AND HIS WORK

At the time that Huck's party were being routed at Williamson's plantation, Col. Patrick Ferguson seems to have had a roving commission from Clinton or Cornwallis to pacify and consolidate the people of the country between Saluda and the Broad, organizing the loyal militia and receiving oaths of allegiance from the inhabitants. He had proven himself as dashing a soldier as his associate Tarleton; but he was also conciliatory and diplomatic. His co-worker in this somewhat independent enterprise was Maj. George Hanger, an Irish peer and a soldier of fortune, a dissolute young man who had been on Clinton's staff and had evinced good military qualities despite his shady personal characteristics. But Hanger soon left his superior to join Tarleton.

After a fortnight's rest at Ninety-six, Colonel Ferguson set out for the Little River region in what is now Laurens County near the Newberry line, west of the field of operations already described. This became the center of his activities in the upbuilding of the royalist cause in that section of the up-country, and Lord Cornwallis gives him credit, under the title of "inspector general of the militia" for the district of Ninety-six, for faithful and effective work. It was said that he organized seven battalions of militia of about 4,000 men, "well effected to the British government, which were so regulated that they could with ease furnish fifteen hundred men at a short notice for the defence of the frontier or any other service." \*

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\* Report of Lord Cornwallis to the home government, August 20, 1780.  
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The warfare between the Americans and British had now developed into a series of small engagements, in which first one and then the other gained the advantage, the royalists, however, from their greater resources and the fact that their forces in the up-country and at Charlestown were in communication, being able to conduct their campaign with some indication of co-ordination. Colonel Ferguson, who was now the outstanding British figure in these engagements, sent his detachments everywhere, setting them in motion almost as soon as organized and supporting them by pillaging the plantations of the Whigs. Toward the middle of July, however, the tide of victory of these minor engagements turned toward the Americans.

#### THE TIDE PERCEPTIBLY TURNS

McCrary, in his "History of South Carolina," thus summarizes the situation at this time: "The whole frontier of South Carolina was now ablaze. There were no continental troops in the State. There was not even an officer with a regular commission except Davie, who held one as major under the State of North Carolina, but who commanded only a volunteer corps furnished and maintained by himself. But resistance had sprung up in the face of the British posts from the people themselves. They had risen and attacked the British outposts along the whole line in what is now the counties of Chester, York and Spartanburg. There had been engagements upon four successive nights in each of which the Whigs had been victorious. At Williamson's and Bratton's plantations in York they had attacked and destroyed Huck and his party on the 12th of July. Col. John Thomas, Jr., had defeated the attack made upon his camp at Cedar Spring in Spartanburg on the night of the 13th. Then Colonel Jones had surprised the loyalists at Gowen's Old Fort near the South Pacolet in the same county on the night of the 14th; and finally the attack of Dunlap on McDowell's camp on the night of the 15th had been avenged by Hampton on the morning of the 16th. Of these engagements, it is true, none could be described as a great battle, but the British had, in less than a week, lost more than a hundred men in killed and wounded, while the loss of the Americans had not amounted to half that number."

"There were no continental troops in the State!" How then did liberty survive?

#### CHARACTERISTICS OF THE PARTISANS

Dr. D. H. Hill, of North Carolina, a son of Gen. D. H. Hill of Confederate fame, and a descendant of the gallant Col. William Hill of the Revolution, soldier and iron founder, gives this admirable description of the partisan leaders and their devoted followers, then known as militia. \* They were, he says, "but reflectors of the new spirit forming in upper South Carolina. Officers and men were convinced by Clinton's proclamations that they had to fight either for or against their State." Three notable characteristics of these bands were first, their peculiar organization; second, their poor equipment, and third, their method of fighting. "They were volunteers, received no pay, and were seldom mustered into service. Some few of their officers, like Sumter and Marion of South Carolina and Davie and Davidson of North Carolina, bore continental or State appointments,

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\* D. H. Hill: "Col. William Hill and the Campaign of 1780."

but most of their officers had neither congressional nor State commissions. Their election by their men was their commission, and their continued leadership and control depended on their own success. So democratic were the organizations that no battle was fought without a vote of the entire band. Their bands, it seems, were usually formed by districts. For major operations they attached themselves to the nearest senior officer." Sumter's men, as a rule, came from that territory extending from the North Carolina line to Ninety-six; those to the east served under Marion; and the men of the mountain districts, "the Piedmont," embodied under Pickens. Doctor Hill says that it was not unusual for them to form their bands by church congregations, and Doctor White says that "five of Marion's captains were elders in the Presbyterian Church," although "the officers in the coastal section were mainly Church of England men."

#### ELDER MILLER'S PRAYER

One of the "true church militant," John Miller, an Irish Whig of Rutherford County, North Carolina, is said to have addressed the Throne of Grace in the following amazing terms: "Good Lord, Our God that art in Heaven, we have great reason to thank Thee for the many battles we have won. There is the great and glorious battle of King's Mountain, where we kilt the great General Ferguson and took his whole army; and the great battle at Ramseur's and Williamson's: and the iver memorable and glorious battle of the Coopens, where we made the proud General Tarleton run doon the road healer-skelter, and Good Lord, if ye had na suffered the cruel Tories to burn Billy Hill's iron works, we would na have asked any mair favors at Thy hands. Amen."

It is little wonder that the British Major Wemyss regarded all Presbyterian churches as "sedition shops," and that the cruel, blasphemous Captain Huck "displayed his enmity to the Presbyterians by burning the library and dwelling houses of their clergy and all bibles containing the Scotch translation of the Psalms."

"As to their equipment," continues Hill, "they had no uniforms \* \* \* they furnished their own horses, and mainly their own rifles. \* \* \* Their swords and bayonets were forged from saw mill and cross-cut saws, or any other available material. But they mainly relied upon their rifles which they used with deadly coolness and accuracy." "In my long experience as a soldier, I never saw such shooting," said the British commander Watson, at the battle of Kings-tree. They had no commissariats. \* \* \* One of their alleged rules was: "If you have no breakfast take a notch in your belt, no dinner take two, no supper three. \* \* \* When a parity of numbers permitted they never hesitated to attack camps, posts, or fight in the field. When they were defeated they retired rapidly, as Davie did, or scattered to the wood as was Sumter's tactics, or hid in the swamps, as Marion often found convenient."

Fisher says: "The suddenness of their appearance, the fury of their attack and secrecy of their flight were appalling to European soldiers."

When Lord Rawdon fell back from the Waxhaws, he established a post at Hanging Rock, on the line between the present counties of Lancaster and Kershaw, and on the 30th of July Sumter and the officers associated with him, such as Lacey, Davie, Neel and Irwin, held a council and decided that it should be attacked, as well as the post at Rocky Mount. At this time Governor Rutledge was in Phil-



adelphia asking Congress for help. It was agreed that Sumter, with his men, should assault Rocky Mount (in the present Chester County near the Fairfield line), and that Davie should lead the attack against Hanging Rock.

On the 1st of August, Sumter attempted to carry Rocky Mount in three assaults, without success. He then ordered Colonel Neel to storm a loop-holed fortified house in which the British were strongly posted. Neel was killed and the storming party repulsed. Then Sumter called for two men to volunteer to burn the building, and in the face of almost certain death Col. William Hill and Adj. Jemmy Johnson made the attempt, and running directly in front of the port holes and guns of the fort, threw the burning lightwood faggots on top of the house and set it afire. They escaped, their clothes riddled with bullets and their hair signed, but a heavy rain storm put out the fire and Sumter ordered his force to withdraw to Landsford.

Davie then made an effort to capture Hanging Rock, but his detachment was too small. He succeeded, however, in annihilating three companies of North Carolina loyalists who were encamped at a house near the post.

#### FOUR HOURS' FIGHT AT HANGING ROCK

The two commands united on the 5th on the Catawba and renewed the attack on Hanging Rock. There were about 800 men in the two divisions and the post garrison numbered 500, of which 160 were infantry of Tarleton's Legion. The front of the British camp was covered by a deep ravine and creek. The attack was made on the morning of the 6th of August in three divisions, all commanded by Colonel Sumter and its three units by Major Davie, Colonel Hill and Colonel Irwin. The Americans impetuously carried the main position, after which there was not a British officer in line; notwithstanding which, the few that remained in the fight formed the famous "hollow square," supported by two pieces of artillery, which remained intact.

Tarleton says: "Very probably Sumter would have succeeded if a stratagem employed by Captains Stewart and McDonald of the British Legion had not disconcerted his operations." This was the simple detachment of a small force of buglers to the flanks who gave such signals as to indicate the approach of additional troops. It was repeatedly practiced during the war. As a matter of fact, Sumter failed of victory probably because, when success was in their grasp, his troops, as the Americans at Bennington and Eutaw Springs, began to plunder the commissary and other supplies of the British and thus fell into disorder.

Of the American commands, Davie's corps suffered the most heavily. Capt. John McClure was mortally wounded and died at Charlotte, North Carolina. Captain Reed, of that State, was also killed, and Colonel Hill and other American officers were wounded. The British loss in killed and wounded is placed at about 200.

Washington Irving says: "Among the partisans who were present in this fight, an orphan boy of Scotch-Irish descent, was Andrew Jackson." The boy little dreamed that day that he would become a successor of George Washington as President of the United States.

#### MCDOWELL AND FERGUSON CLASH

In the meantime, stories of Colonel Ferguson's incursions and successes of administration for the royal cause and his penetration into

Union and Spartanburg had reached Sumter with ever increasing significance. The first step of the great American partisan in his advance upon the able British leader was to send Colonel Clarke (who had again returned from the Savannah with more recruits) to join the camp established by Col. Charles McDowell, the North Carolinian, at Cherokee Ford, on a western branch of the Broad River a few miles south of the South Carolina line. From that camp where about 1,000 men had assembled, some 600 were detached under Col. Isaac Shelby and on July 30th captured Thicketty Fort, twenty miles distant. It was commanded by Capt. Patrick Moore, a noted loyalist, and had been the center of much of the Tory strength in the up-country. Nearly a hundred loyalists who held the fort surrendered it without a contest, together with 250 stands of arms.

It was not until August 8th that McDowell's and Ferguson's forces came into direct contact, it being the policy of the Americans to maintain their position at Cherokee Ford until they could meet the British on more even terms. At that time Ferguson's available troops were placed at from 1,500 to 1,800. Mounted men, however, were detached from the McDowell camp to observe the movements of the enemy and look for favorable openings. On the morning of the day mentioned, Colonels Clark and Shelby, who had been scouting for this purpose and who had gathered some reinforcements to the 600 men of their original commands, halted at Wofford's Iron Works on the road leading to Cherokee Ford, and waited for the advance of an enemy force which had been observed by their scouts.

Maj. James Dunlap, who had already cut up one party of Whigs, commanded the strong force of British dragoons and mounted militia which furiously charged at the American lines. The mounted riflemen seem not to have been equal to the contest and the assailants were beaten back with considerable loss. A number of prisoners were taken. The pursuit by the Americans had not gone far, however, before they were met by Ferguson's entire force, and Clarke and Shelby wisely retired. The loss was not large on either side, all the killed and wounded among the Americans being by the broadsword.

Somewhat east of Ferguson's sphere of influence and activities, in the upper Pee Dee district, the British, working from Georgetown as their base, had repeated Tarleton's atrocities. Maj. James Wemyss and Maj. Archibald McArthur were the chief figures in the ravages of the Cheraw district. The latter, who was in command of the famous Seventy-First Regiment of Highlanders, made Long Bluff his headquarters for most of the time that he was in that part of the state.

#### GATES SENDS MARION AHEAD

Gen. Horatio Gates was now advancing toward Deep River, North Carolina, with the continentals which Congress had sent to the relief of South Carolina. As far back as June 13th, Congress, without consulting Washington, had appointed him to succeed Lincoln as commander of the southern department. The Baron DeKalb had come southward in command of the continental troops and had halted at Hillsborough on June 20th for rest and to obtain supplies. There General Gates joined him on July 25th. As has been stated, Marion had joined the baron at Deep River, North Carolina, and was instinctively accepted by his noble comrade in arms as an able, dashing leader of men, notwithstanding his insignificant stature and uncouth exterior. But Gates could not look beyond the outside garments, and,

at the request of the partisan leader, sent Marion to the interior of South Carolina—to watch the enemy, furnish intelligence for “the Grand Army.” After gathering what was afterward known as Marion’s Brigade, its leader arrived at Lynch’s Creek, near the line between the present counties of Williamsburg and Marion. This was the center of the Irish district, which the British had not been able to subdue. The bloody Major Wemyss had attempted it and now Colonel Tarleton was engaged in the same savage errand. Maj. John James, who had been to Georgetown and learned from the British, first hand, that the people were expected not only to surrender but to fight



AN HISTORIC GEORGETOWN HOUSE

against their fellows, had held the post at Lynch’s Creek, waiting for the coming of Gates and his continentals, or any other party of relief.\*

#### HOW UNPAID MILITIAMEN FOUGHT

When Marion arrived on the 10th of August, with his men, he assumed general command also of a small party which had come from Georgetown under Lieut. Col. Hugh Horry, as well as jurisdiction over the entire country east of the Santee River. He was accompanied by Maj. Peter Horry, Maj. John Vanderhorst, Capt. John Milton of Georgia and Capts. Lewis Ogier and James Theus. Marion wasted no time in forming elaborate plans, but when he discovered a Tory force which he could rout he started after it. So on the second day after his arrival at Lynch’s Creek, with the assistance of Major James’s horsemen, he drove one party of Tories into the swamp, and ambuscaded and defeated another.

The reader will note that while Gates was slowly approaching with the Continental army, the British had been pluckily met and generally defeated in twelve engagements and that, according to McCrady,

\* The story is told that shortly before Major James, who had already served in the General Assembly and fought creditably under Moultrie, had met Captain Ardesoif, Clinton’s agent at Georgetown, and, being unarmed, had resented an insult of the British officer, attacked the captain with the chair upon which he himself had been seated, and made good his escape through the rear door of the house represented in the illustration.

"three hundred British and Tories had been killed and wounded, and about two hundred taken prisoner at a loss of not half that number to the Americans." Their opponents had been the volunteers of the Carolinas and Georgia under the leadership of Marion, Sumter, Davie, Pickens, McDowell, Shelby, Clarke and the lesser partisans. Ferguson and Tarleton were to have an accounting, but not before Gates had been humiliated.

#### GATES HUMILIATED AT CAMDEN

Gates arrived at Coxe's Mills, on Deep River, a few miles beyond Hillsboro, North Carolina, on the 25th of July, when he superseded De Kalb, and two days afterward started his Grand Army on the march. He ignored the advice of De Kalb and his officers to take a route by Salisbury and Charlotte through a country which would support the expedition, but instead marched through the sandy pine barrens of the Carolinas with little food other than lean cattle, fruit and green corn, thereby entailing great suffering and creating much dissatisfaction, even before the troops came to the fighting stage of the campaign. He rejected the services of Colonels White and Washington, the capable cavalry leaders, who had met with a set-back in the Charlestown area of conflict; and, all-in-all, the new American commander did not have the sense to seize advantages and opportunities which were in ready reach. When he crossed the State line on the 4th of August, he issued a proclamation from the Pee Dee region "to the patriotic citizens of Carolina," "to vindicate the rights of America," men who already had been fighting for their cause without such invitation. At the same time Lord Rawdon took position on the west branch of Lynch's Creek about fourteen miles from Camden. The British force thus encamped comprised three regiments of infantry (including the Seventy-First), the volunteers of Ireland, Hamilton's provincial corps, forty dragoons of the Legion and four pieces of cannon.

On the 7th of August, near the east branch of Lynch's Creek and fifteen miles east of Rawdon's post, the North Carolina militia under Col. Richard Caswell joined the Continental army, as had been pre-arranged. The militia, which remained under the command of that officer, was constituted the left wing of the entire command, and the right wing of continentals was placed under Baron De Kalb. Gates was commander-in-chief. By the 11th, the two armies were facing each other at Little Lynch's Creek, and Lord Rawdon retired to Camden when he discovered what he thought was a movement by Gates to turn one of his flanks. In the meantime, news of these general movements of the two opposing armies had reached Lord Cornwallis, who was then in Charlestown, and he arrived upon the scene of the battle of Camden sometime between the 13th and 14th of August. Brig. Gen. Edward Stevens, with his Virginians, who had been following from North Carolina, joined Gates' forces about the time that Cornwallis arrived at Rawdon's headquarters. Some 400 other Virginians were commanded by Lieutenant Colonel Porterfield.

Before moving forward to surprise the enemy, Gates had detached from his main command of continentals some 400 men, with two field pieces, to join Sumter in an attack on a British convoy coming along the Wateree to Camden, Gates imagining that his army numbered 7,000 men. The excursion had been eminently successful, although the American commander did not know of it, when his troops commenced to move on the night of the 15th. Had he known that the

enemy's provisions had been cut off, it might have made some difference in the celerity with which he moved forward to join battle with (as he thought) Lord Rawdon.

On paper, Gates had the advantage in numbers over Cornwallis. As a matter of fact, his strength was only 3,052 men, as shown by the abstract placed in the hands of General Gates by his adjutant general just before the engagement commenced. Of this number it is estimated that only 1,400 were disciplined, well officered and dependable, and several hundred of these best troops had gone to Sumter. The remainder were raw militia, many of whom had never been in action, and had only just received bayonets without instruction in their use. They had no idea of tactical formations and movements and no provision was made for a rallying point in case of disaster.\*

Cornwallis officially reported that his troops numbered 2,239, but the great bulk of them were thoroughly disciplined and well seasoned.

Strange to relate, each army aiming to surprise the other commenced its march at 10 o'clock on the night of the 15th of August, 1780, and their outposts met between 2 and 3 o'clock in the morning of the 16th, just north of Saunders Creek and about five miles from Camden. Colonel Armand's cavalry of about sixty men, supported by the light infantry of Colonel Porterfield on either flank, formed the advance of the American troops, but were routed by the British legion cavalry and some mounted infantry, promptly supported by two regiments of light infantry. Colonel Porterfield was mortally wounded in the skirmish, and the two forces withdrew and formed in line to await better daylight.

When the action commenced later in the morning, Gates' men were posted thus: The Second Maryland Brigade, with the Delaware troops, under De Kalb, formed the right wing; the North Carolina militia, under General Caswell, the center, and the equally raw Virginia militia, under General Stevens, the left. The second line of support consisted of the First Maryland Brigade and artillery under Captain Singleton so posted as to command the road.

Lieutenant Colonel Webster commanded the right wing of the British army, which comprised three companies of light infantry and the Twenty-Third and Thirty-Third regiments. Lord Rawdon commanded the left, consisting of the volunteers of Ireland, the Legion infantry, Hamilton's corps and Bryan's refugees. Two small field pieces were to the left of the road along which the British had advanced. The two battalions of the Seventy-First Regiment, with two field pieces, formed the second line. The Legion cavalry remained, ready for action, in the thick woods at the right of the main road, close to the Seventy-First.

The battle commenced by the movements of a small party of skirmishers, who were thrown forward toward the British right wing, which was followed by an order of Cornwallis to Lieutenant Colonel Webster to begin the attack upon the American left of raw militiamen from Virginia. It was a clash of undisciplined soldiers against those who had not only training but had been hardened under repeated fires, and the Virginians at once gave way before the onrushing solid front of the British; and their retreat, without a return fire, was followed by the precipitate retirement of most of the North Carolina militia. Two hundred yards in the rear of the American troops was the First Maryland Brigade, forming the second line of Gates' army. That command repeatedly resisted the British onslaught until it was fairly over-

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\* Henry B. Carrington's "Battles of the American Revolution."

whelmed by the entire right wing of Cornwallis's army, to which was added the British Legion of cavalry, which made the decisive charge upon the First Maryland.

#### DE KALB, THE HERO OF CAMDEN

It was the Second Maryland Brigade, which was the backbone of the American right under De Kalb, that glorified the American arms on that disastrous day. As well described by Henry B. Carrington in his "Battles of the American Revolution": "The Second Maryland Brigade did not flinch; but after repulsing Lord Rawdon twice, charged bayonet under Baron De Kalb, broke through the British left, wheeled upon its center, and fought alone until the whole British army enveloped them in fire. Baron De Kalb fell, wounded in eleven places, and could hardly be convinced that the Americans were not the victors, so faithfully had he executed his orders, in the assurance of equally good conduct on the part of the other divisions. The rout was utter. General Gates was carried away with the militia, which he calls 'a torrent,' and knew nothing of the resistance so stubbornly maintained by the right wing of his army.

"Adjutant General Williams says: 'If in this affair the militia fled too soon, the regulars may be thought as blamable for remaining too long on the field; especially after all hope of victory must have been despaired of.' General Gates hurried with General Caswell to Charlotte, sixty miles from the field of battle, and by the twentieth safely reached Hillsborough, 180 miles from Camden, without gathering a sufficient force of the fugitives to form even an escort.

"The North Carolina militia fled to their homes, or wherever they could find refuge. General Stevens followed the Virginians to Hillsborough, and back over the route they came, to attempt to rally them, but their term of service was short and he soon discharged them."

Gates, who had been sent to save South Carolina, had proven himself an indecisive, incompetent commander, quite unable to grasp the military situation. He had been the choice of Congress for commander of the southern department; Nathanael Greene was the man preferred by Washington. Whatever happened in the way of sending general commanders to South Carolina, it was now evident that the burden of redeeming the State rested upon the ragged and intrepid partisans.

The total American loss at Camden is not accurately known. A collaboration of reports issued by Cornwallis and Tarleton places the loss of Gates' army at 70 officers and 2,000 men killed, wounded and prisoners, with all its artillery, ammunition and stores. The killed were estimated at between 800 and 900. The British loss was 68 killed, 245 wounded and 11 missing.

#### TARLETON SURPRISES AND DEFEATS SUMTER

On the morning after the battle, Cornwallis detached Tarleton with 350 men of the Legion cavalry and infantry to pursue Sumter and his party. About noon he came up with the Americans, who had encamped at Fishing Creek, some forty miles from the battlefield, and did what few had ever done before—surprised Sumter and his men. The attack was well conceived and promptly executed, and Sumter lost 150 officers and men, killed and wounded, and more than 300 made prisoners, with all the stores, artillery, small arms, etc., which he had just taken from the British convoy. The British lost less than

twenty killed and wounded. Sumter himself, according to Wheeler's "History of North Carolina," "who was asleep under a wagon, barely escaped with his life, and, in the confusion, rode off without saddle, hat or coat, and reached Major Davie's camp at Charlotte, two days after, unattended by officer, soldier or servant." Sumter's defeat by Tarleton capped the series of disasters in the Gates campaign.

#### THE AMERICANS AFTER FERGUSON

Right on the heels of the disastrous defeat suffered by the Americans at Camden, there began a series of minor engagements and movements on the part of the American leaders in the up-country which were specially designed to eliminate Ferguson. His varied abilities were fully appreciated and, in the general consolidation of the British power in South Carolina, were even more feared than the military dash and bold leadership of Tarleton. Ferguson was more to be feared because he was "much more than a mere soldier" and therefore had to be reckoned with as one who was capable of greater mischief to the American cause. Percy Greg calls Ferguson "the Marion of the Royalists."

McDowell, who had been assigned to watch Ferguson's movements, was now over the South Carolina line, in York County, two miles south of his former camp at Cherokee ford. Colonels Clarke and Shelby, who were still with him, Col. Thomas Brandon, and Col. James Williams, a rough and ready Virginian who had joined the cause in South Carolina and come into camp on the day that the battle of Camden was fought—these and others of perhaps less standing were dispatched by McDowell to attack the loyalist camp at Musgrove's Mills, on the south side of the Enoree River, in what is now Laurens County. The party consisted of some 200 well mounted, hardy and eager men. They arrived at dawn after a hard night's ride and the surprise was complete, and more importance was added to the affair by the arrival, soon afterward, of a force of 200 provincial troops and 100 Tories, under Col. Alexander Innis, from Ninety-six, destined to Colonel Ferguson. They too were routed by the partisans after a brisk engagement. But soon afterward, learning of the Camden disaster, the Americans retreated toward North Carolina.

Marion, who had been operating with Colonel and Major Horry and Major James in the Pee Dee region, learning of the approach of Major Wemyss, a small edition of Tarleton, on August 28th, with a regiment of regulars and a party of Tories, also commenced his retreat into North Carolina.

#### ATTEMPT TO SUBDUE SOUTH CAROLINA CITIZENS

The battle of Camden was soon followed by a proclamation sent by Cornwallis to all the British commandants of the posts in South Carolina to the effect that the property of the rebels in the province should be confiscated and they themselves imprisoned, and that any militiamen who had served with the Royalists and gone over to the Whigs should be hanged. Several of the citizens in Camden, as well as in other parts of South Carolina, were thus executed.

The citizens of Charlestown were supposed to be held under the conditions of the evacuation and their parole, under which they agreed not to hold communication with the enemy, or do anything "prejudicial to the success of his Majesty's arms," holding themselves at all times ready to report to his Excellency (Sir Henry Clinton),

"or other person having authority thereto." On the 27th of August, however, less than two weeks after the battle of Camden, Lieut. Col. Nisbit Balfour, one of Howe's sycophants, ordered his agents to seize some of the most prominent men of the State who were prisoners in Charlestown on parole. They included Christopher Gadsden, lieutenant governor; Thomas Farr, speaker of the House; Edward and Hugh Rutledge, Peter Timothy, Alexander Moultrie and Richard Hutson. They were sent to the ship-of-war *Sandwich*, moored near Fort Johnson. No notice was taken of their memorial, protesting that they had not broken their parole and asking for the cause of their arrest. It was represented to them, unofficially, that Lord Cornwallis had discovered that they had been fomenting trouble in the up-country and had directed the commandant to send them to St. Augustine. General Moultrie, also a prisoner, protested at this unjust move to awe the leaders of the State, declaring it a violation of the ninth article of the capitulation, but without avail, and all who were seized were banished to St. Augustine. Gadsden refused to be paroled under these new conditions and was forcibly removed and thrown into a dungeon at the castle of St. Augustine, where he remained for forty-two weeks, or until exchanged with his fellow exiles in July, 1781. When he had been told that his punishment would be imprisonment in a dungeon he said: "I will give no parole, so help me God!"

Neither the severe measures of Cornwallis, nor the milder methods of Ferguson, served their purpose; for the rebellion gathered momentum under the American leaders who were still in South Carolina. Marion was again operating along the Pee Dee, and Colonel Clarke was organizing an expedition against Augusta in the Ninety-six district.

#### AMERICAN SIEGE OF AUGUSTA A FIASCO

With 400 men, Colonel Clarke suddenly appeared before Augusta, on the morning of September 14th. It was defended by a garrison of British soldiers with some Indian allies. They were completely surprised and the forts and town were taken without resistance. A portion of the British garrison, under the indomitable Thomas Browne, however, had occupied a trading house, just west of the town, from which Clarke could not dislodge them. Within the following three days, the Americans cut off the water supply of the stubborn little band of British, and the dead men and horses were most offensive, all offers to surrender were rejected, and on the 18th the enemy was reinforced by a detachment of 500 regulars and royal militia from Ninety-six. Colonel Clarke wisely raised the siege, after having sustained a loss of sixty killed and wounded, including two of his captains. Twenty-eight of his men, including another captain, were taken prisoners, some of whom were hanged and afterward scalped by the Indians and thrown into the river. Others were scalped alive. Details of these atrocities may be gleaned from British sources.

#### CORNWALLIS MOVES TO CHARLOTTE

While Clarke and his small force were retreating toward the North Carolina line through what is now Spartanburg County, and Ferguson was moving toward him, Lord Cornwallis and his army were advancing toward the same line, through the Waxhaws, Charlotte being the first objective. The forces which had participated in the battle of Camden had been materially reinforced from Charlestown, so that



the British commander moved forward with excusable confidence in the prosecution of Clinton's grand campaign of conquest from South to North. With him was his chief lieutenant, Tarleton, with the famous British dragoons and light infantry. The British cavalry officer had moved up the west side of the Catawba River. On the other side was the main body of Cornwallis's army, encamped in the Waxhaws, forty miles from Charlotte. The alert and able Davie took advantage of this situation, and on the night of September 20th surprised a portion of the Legion and other Royalists at Wahub's place, killed 20, wounded 40, and collected 96 horses and 120 stands of arms in the time that it has taken to write of the encounter.

Davie made good his retreat, having marched sixty miles in twenty-four hours, and a couple of days afterward the two commands of the British army were reunited on the other side of the Catawba, Tarleton's men forming the advance guard. With a small force the American continually hung on the flanks of the advancing foe and on the 25th he entered Charlotte a few miles ahead of it. He had about 150 of his men and some volunteers under him, and determined to defend the town as long as he could. He dismounted one of his companies and had the satisfaction of keeping Tarleton's entire Legion at bay for some time, but a strong force of infantry finally dislodged him and he was driven away. The pursuit lasted for several miles, Davie's men losing more in killed and wounded than the enemy. When the British occupied Charlotte, however, they found that their campaign was not furthered, as they were in the midst of a particularly hostile country, and the surrounding plantations were small and, even could their produce be collected unmolested, ill calculated to help sustain the invading force.

#### MARION ACTIVE ALONG THE PEE DEE

Cornwallis's advance, with the able and intrepid Tarleton under him, gave the partisans who remained in South Carolina the better opportunity to attack Ferguson and the Tories. Marion had returned and before the British occupied Charlotte had been active in the Pee Dee country. On the 14th of September he had attacked a party of Tories at the Black Mingo, in which is now the northern part of Williamsburg County, and as their force was greatly superior to his, with Col. Hugh Horry, his chief lieutenant, he was obliged to retreat into the swamps and soon after to North Carolina. But the "swamp fox" was soon back again in the Black River country, marched into Williamsburg, and with a force 400 strong, which he had collected as he advanced, attacked a large body of Tories, under Colonel Tynes, at Nelson's plantation near the north branch of the Black River. The king's men, at this encounter, were completely routed and driven into Tarcote swamp. It is said (in James's "Life of Marion") that most of Tynes's men soon after joined Marion and fought bravely with him; thereby making themselves liable to be hanged, under the terms of the Cornwallis proclamation. Soon afterward, Marion established his headquarters on Snow Island, at the confluence of the Pee Dee and Lynch's Creek, inaccessible except by water, and where he was in the best possible situation to interrupt the flow of provisions and reinforcements from Charlestown to the up-country.

#### MCDOWELL AND FERGUSON APPROACH KING'S MOUNTAIN

In the meantime Ferguson was endeavoring to cut off Clarke and his refugees, who were fleeing toward the North Carolina line through

Spartanburg County, and Colonel Charles McDowell prepared to organize a force to intercept the British leader and, if possible, crush him. Without going into the details as to how the combination was effected by the 25th of September, the day that the British under Cornwallis marched into Charlotte, McDowell's improvised army of between six and seven hundred Virginians, North Carolinians and refugee Whigs from the up-country, had assembled at Sycamore Shoals. They were all mounted with good rifles; and they knew how to use them. On the morning of the 26th they were on the march toward the Catawba River and the Carolina line—the place toward which Ferguson's force was also headed. The refugee Whig detachment was under Colonel McDowell, as senior officer. The Virginians were commanded by Colonel Campbell, Colonel Shelby and Lieutenant Colonel Sevier. Reaching the foot of the King's Mountain range, which stretches for about sixteen miles from North Carolina into what is now York County, South Carolina, McDowell's men were re-enforced by some 350 North Carolina troops under Colonel Cleveland and Major Winston. The march was somewhat delayed by rain, but on October 2d the Americans were encamped at South Mountain, eighteen miles nearer the destined battlefield of King's Mountain. News had been brought that Ferguson, with his force, was at Gilbert Town some sixteen miles away.

While Colonel McDowell was absent on an errand to Gates, asking for a general officer to command the little expedition, Colonels Cleveland and Shelby addressed the men, telling them the news that Ferguson was near at hand and inviting any who wished, to "back out and leave;" but none accepted the offer. When they reached Gilbert Town, the British had retreated.

#### ORGANIZATION AND PERSONNEL OF THE LITTLE ARMY

The little army was composed, says John T. Preston, "of men nearly equal in numbers from Virginia, North Carolina and South Carolina. Each band was led, rather than commanded, by its own officer—Sevier, Shelby, Campbell, Williams and McDowell were the colonels."

Preston did well to put them in that order for though his ancestor Campbell was a cultured soldier of distinguished family connection, and was chosen by his more rustic brother officers for the chief command, Sevier and Shelby should have the greater glory;—indeed, Prof. Albert Bushnell Hart, in a high school history, curtly says: "This important battle was won by western settlers under John Sevier, and was the chief blow struck by the West in the Revolution;" and Theodore Roosevelt in his "Winning of the West" gives an admirable account of the battle. The Virginians and Carolinians bore well their parts, but the incentive and the main leadership came from the hardy dwellers on the Watauga, the Nollichucky and the three forks of Holston. All the difficulties which stood in their way could not make them hesitate. George Bancroft said: "They had distance to overcome in collecting their forces, but swift runners hurried up the valley; they had to cross the highest range of the Alleghanies, where there was not so much as a bridle path; they could drive no beeves, but must depend mainly on parched corn for their sustenance; meeting from remote districts, they had to organize themselves on the instant for action with unity." It was a voluntary act of patriotism; it was planned by no bungling Congress, and it was ordered by no "President and Commander-in-Chief." Indeed those who fought on

both sides were almost all provincials. That is, with the exception of Ferguson, neither American continentals nor British regulars participated. The Americans had been re-enforced at the Cowpens, so that their force now had reached about 1,100 of whom 910 were mounted men.

The British claim that they were largely outnumbered, but as 1,500 of their muskets and other arms were captured, and as 600 of them were taken away as prisoners and about 300 were killed or badly wounded, there would not appear to be a great difference in the comparative numbers.

Authorities differ as to the opening of the battle, but, after all accessible accounts have been sifted, it is generally accepted that the regiments commanded by Colonels Shelby and Campbell began the attack which opened the engagement. The part of the mountain which Campbell's men were to carry was rough and craggy, and perhaps the most difficult of any of the positions held by the British. When they secured the summit of the hill, Ferguson's men charged them with the bayonet. That mode of attack at first routed them, as they were only armed with rifles, but they soon rallied and drove back the British with a well-directed fire.

#### DEATH OF FERGUSON

Sumter's South Carolinians under Lacey and Hill, and Sevier's little column, also fought their way up the ridge and to the summit of the hill, where their rifles could be used to better advantage than on the more wooded slopes—indeed, it is not improbable that Lacey made the first attack. At length the two wings of the American army shut around the British Royalists. The Whigs had been thrice driven down the mountain at the point of the bayonet, only to reform in the woods and pour into the British ranks their deadly fire. At length as they tightly closed around Ferguson's men, and the forces of the enemy were gradually being thinned out by rifle fire, the Royalists raised a flag of surrender. Ferguson cut down two such tokens of yielding, and then made a desperate attempt, with a few chosen friends, "to break through the Whig lines on the southeastern side of the mountain and escape. With his sword in his left hand (he had been wounded in the right), he made a bold dash for freedom, cutting and slashing until he broke it. Colonel Vesey Husbands, a North Carolina Royalist, and Major Plummer of South Carolina, joined Ferguson and charged on a part of the line they thought was vulnerable. They all fell and perished in the effort."\*

Through desire for revenge, the excitement of battle, or what not, the slaughter of the British continued, even after Captain de Peyster, Ferguson's successor in command, had raised the white flag and asked for quarter. Probably some of the men remembered "Tarleton's quarter" at the Waxhaws. Within an hour, however, all was over. Ferguson was dead. The battle of Camden was avenged. The British had suffered a loss of 119 killed, 123 wounded and 664 taken prisoners; total, 906. The American loss was officially reported at 28 killed and 62 wounded.

#### GEORGE BANCROFT'S TRIBUTE

As to the pre-eminent importance of the victory at King's Mountain there can be no question. George Bancroft, speaking on the

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\* McCrady's "History of South Carolina."

scene of the battle in October, 1855, said: "The Romance of the American Revolution has its scenes for the most part in the South; and the battle of King's Mountain, of which we celebrate the seventy-fifth anniversary today, was the most romantic of all. The achievement was opportune. The American army of the South was routed and dispersed; Charlestown was in the power of the enemy; the government scattered; the paper currency all but worthless; Gadsden a prisoner doomed to the dungeons of St. Augustine; Sumter forced to retire beyond the State on the one side, and Pickens on the other; Cornwallis hoping 'to extinguish the rebellion' by a system of imprisonment, confiscation and hanging; the British minister promising himself that before winter 'the whole country south of the Delaware would be subjected.' The genius of liberty never bows his head in despair; but there was cause for anxiety—the faultless partisan, the lion-hearted Marion, stood alone in his impenetrable fastnesses as the sentinel of Carolina." \* \* \* "It was the 'fatal' blow which utterly disconcerted the plans of Cornwallis, and forced him into that change of policy which had its end at Yorktown."

#### LACEY AND HILL AWAIT TARLETON

The Americans, rather than be encumbered, burned all the baggage they had captured. They took with them the 1,500 stands of arms they had captured, as well as the prisoners, and on the morning after the battle, all but Sumter's brigade (under Lacey and Hill) began the march for the friendly mountains in North Carolina. It was rumored that the dreaded Tarleton and his dragoons were on the way to relieve Ferguson, but Sumter's officers were not afraid to meet him and his, again. In a word, they quietly awaited the British force of relief.

Ferguson's appeal to Cornwallis for help did not reach the British commander at Charlotte until the day the battle of King's Mountain was fought. Tarleton was at once sent to his assistance, but was so tardy in making a start that he and his men did not leave for the scene of the action until the news of Ferguson's death and the full extent of the disaster to the British arms had reached him and the commander-in-chief. The leader of the Legion then started for the abandoned battlefield and after learning that all but Lacey and Hill had left the region, reconnoitered their camp for a time, and then turned back, having received orders from his superior to return to the Catawba, to which Cornwallis commenced his retreat on the 14th of October.

The retrograde movement of the British army during the rainy season, through the mud and unhealthful mires of the Waxhaws, was a trying experience. Lord Cornwallis himself was stricken with fever in what is now Lancaster County, just below the State line, and Lord Rawdon assumed command. When Sugar Creek between York and Lancaster counties was reached, horses and men were generally exhausted, and there were some desertions of the militia. On the 29th of October, after being more than two weeks on the road, Cornwallis arrived at Winnsboro, the present Fairfield County. Tarleton and his troopers had joined him and foraged for the army to advantage, doubtless relieving its hard plight to some extent. When the British camp was pitched at Winnsboro, the sick and wounded were sent to the hospital at Camden. The locality selected was the center of a rich country between the Broad and the Wateree and in a military sense commanded both Ninety-six and Camden.

## MARION AND SUMTER STILL BUSY

As soon as Cornwallis had established himself at Winnsboro, he dispatched the ever-useful Tarleton to the country between the Pee Dee and the Santee, in which Marion, from his camp at Snow Island had been having a free hand; and he had grandly improved his opportunities. In fact, all communication between Charlestown and the up-country was threatened by the wily and intrepid partisan. When he heard of Tarleton's approach with double his force of men—and he had good cause to know something of their fighting qualities—he wisely placed an impassable swamp between his men and the enemy.

In October, 1780, both Marion and Sumter were appointed brigadier generals by Governor Rutledge, who was then at Hillsboro, North Carolina, after having returned from his northern trip to solicit aid. They were now regularly commissioned officers, and Sumter was placed in command of all the State militia, with many of the powers which the British had delegated to the dead Ferguson. Sumter reached his good lieutenants, Lacey and Hill, about November 1st, and again assumed command of his brigade. A week afterward, Major Wemyss, who had come across country from a marauding expedition on the Pee Dee and joined the army at Winnsboro, attacked Sumter's men at Fishdam ford, but was defeated with considerable loss and himself badly wounded and taken prisoner. Although most incriminating papers were found on him as to the property he had wantonly destroyed in Williamsburg and on the Pee Dee, he was treated with consideration—perhaps in view of the severity of his wounds which made him a lifelong cripple.

## SUMTER DEFEATS TARLETON AT BLACKSTOCK

Before the defeated British regiment under Major Wemyss had reached Winnsboro, it was met by Tarleton's Legion and other troops (who had returned from the Marion trip), the entire command having been instructed by Cornwallis to cut off Sumter's brigade which he understood was moving against Ninety-six. Sumter had been apprised of this attempted surprise by Tarleton, and moved from his camp at Williams' plantation to a large tobacco house, called Blackstock, on the Tyger river in what is now Union County, sixty miles from Winnsboro. In the rear of the house was the Tyger River crossing and midway between the tobacco house and the stream was a hill. Sumter posted his troops at the rear of the house, a detachment occupying the house itself; altogether he had 420 men. In the afternoon of the 20th of November, after having driven in some of Sumter's men who were acting as pickets, Tarleton advanced promptly to the attack upon the American position. Sumter finally gained the flank of the British infantry, through a thick wood, mainly through the enterprise of Colonel Lacey's mounted men, and Tarleton's cavalry were mowed down in a narrow lane through which they were charging the Americans. Without following all the moves and counter-moves on either side, the result of the engagement was to place Sumter's men in possession of the field. The American commander received a rifle wound in the right shoulder, which incapacitated him as long as Cornwallis remained in South Carolina. The loss sustained by his men was comparatively trifling—one man killed and three men wounded, including Sumter. The casualties on the British side vary from fifty-one to ninety-two, according as the figures are drawn from British or American sources.

## AMERICANS AT LONG CANE

After the Blackstock engagement, Tarleton retired to Winnsboro, and the temporary recruits of Sumter's command disbanded. Colonel Lacey, with his mounted infantry, established his camp on Turkey Creek, in York County of the present. Colonel Clarke and Lieutenant Colonel McCall, who had joined Sumter and participated in the engagement, moved forward toward Ninety-six to stir up that region which had escaped the disorganizing raids of the partisans. On their way thither they were joined by Colonel Benjamin Few, of Georgia, with some of the refugees from that state, and the little force went into camp at Long Cane, Abbeville County, to await other accessions to their numbers.

Colonel Cruger, who commanded at Ninety-six, did not wait for such increase, but sent a force of 450 regulars, dragoons and Royalists to drive out the invaders commanded by Colonel Few. Colonel Clarke, Lieutenant Colonel McCall and Major Lindsay were ordered by Few to engage them, until the main body should come up. The action commenced about three miles from Long Cane, but about the time when it seemed to favor the Americans, Clarke, McCall and Lindsay were all severely wounded. Major Lindsay was badly mutilated by British sabermen as he lay helpless on the ground, and other cruelties are reported. Fourteen of the Americans were killed altogether. It is said that only about 100 of the American force of 500 were actually engaged.

The engagement at Long Cane, which was small and indecisive, was fought December 11, 1780, and was only one of many which went to prove to the enemy that the South Carolinians of the up-country under their partisan leaders never could be really subdued.

Among the South Carolina partisans, who frequently served under Sumter, Marion and Pickens, the ranking officers, were the two Horrys, Maham, Thomson, Vanderhorst, James, Bratton, Brandon, Winn, Lacey, Hill, Neel, McClure, Hammond, Butler, McCottry, Mouzon, Wiltherspoon, Snipes, the two Postells, Thomas, the father and son, Thomas and Samuel Taylor, and the several Hamptons.

It was during this season of small engagements, while the partisans of South Carolina were taking the State piecemeal from the British, that Gen. Nathanael Greene, who had been appointed to succeed Gates in command of the southern department, had arrived at Charlotte, North Carolina, and December 4, 1780, taken over the command from his broken predecessor. A few days after the engagement at Long Cane what was left of Gates "Grand Army" was again moving through the Pee Dee country toward Cornwallis and Winnsboro.

## CHAPTER XXVIII

### FIGHTING UNDER GREENE AND THE PARTISANS (1780-1781)

When General Greene came to the southern department Delaware and Maryland were added to the territory under his command, but it was well known that the heavy fighting would be in the Carolinas. Washington had appointed him at the special request of the southern delegates to Congress and, although a Quaker by blood and education, he had proven his soldierly qualities in not a few battlefields and campaigns of the North. The means at his disposal for a reversal of the situation, as it affected the morale and effectiveness of the continentals, were pitifully small. Congress, which was poverty-stricken, could render him no assistance other than to furnish him with traveling expenses. All that he could obtain for the army were some arms and transport wagons, through the kindness of Governor Joseph Reed, of Pennsylvania.

On the 23d of November, 1780, General Greene started from Philadelphia for his southern field, accompanied by Baron Steuben and two aides, and when he arrived in Virginia, Col. Edward Carrington, as quartermaster general, and two more aides-de-camp. While Cornwallis was waiting at his new camp in Winnsboro for re-inforcements, the troops under Major Alexander Leslie upon whom he had counted for immediate relief, had stopped at Norfolk and Portsmouth, Virginia, long enough to possess and fortify them. Greene therefore left Baron Steuben to organize forces for the protection of Virginia and pressed on to Hillsboro, North Carolina. As American headquarters had been moved to Charlotte, he continued his southward journey and reached that point on December 2d, assuming command two days thereafter.

#### GENERAL GREENE MEETS MORGAN

One of the few agreeable surprises which greeted General Greene was his meeting with Daniel Morgan, "a Jersey-born Virginian," who had distinguished himself at the siege of Boston (under Greene) and at Saratoga (under Gates) and after a period of inactivity had, in October, 1780, been promoted by Congress to the rank of brigadier general. Before his advancement, he had arrived from Virginia, with a few followers, to the relief of South Carolina, and Gates, his commander, who had treated him none too well in the days of his notoriety, but was now subdued by disaster, had organized an independent corps for him and placed it in his command.

Remnants of the Maryland and Delaware regiments, which had borne the brunt of the battle at Camden under the heroic De Kalb, had also been consolidated into one body and placed under Col. Otho H. Williams, of Maryland. Other fragments of the continentals had been collecting at Charlotte, such as the remains of Buford's and Porterfield's commands. Gen. William Smallwood, who had commanded a brigade in Gates' unfortunate expedition, was now in com-

mand of North Carolina militia and stationed at Providence, six miles below Charlotte.

#### GREENE'S ARMY MOVES INTO SOUTH CAROLINA

For miles around, the country was stripped of anything which could support even this poor apology for an army. The situation was deplorable, but did not deter a man of Greene's resources and abilities. Naturally, he decided to move his men to a country which would support them and to select a new commissary, Col. William Polk having declared that "the army could not subsist for a week longer." He found the man for the place in Colonel Davie, who, at a great sacrifice to his active military inclinations, assumed the position of commissary in the Continental army and state commissary for the Carolinas. Soon afterward the army began its march to the Pee Dee, under direct command of Gen. Isaac Huger, with Morgan's corps moving down the west side of the Catawba to join a force of North Carolina militia and threaten the position of Cornwallis at Winnsboro.

Greene encamped on the east side of the Pee Dee, near the present site of Cheraw, on the eastern border of Chesterfield County. The commander-in-chief called it his "camp of repose," and believed that with Morgan's men ahead of him, he effectually blocked Cornwallis from advancing and, at the same time, had a clear way to Charlestown whenever he chose to take it. While thus reposing, Greene was not aware that General Leslie had already arrived at Charlestown with 2,300 troops, and was on his way to relieve Cornwallis with over 1,500 men. He was informed of this disturbing fact on December 27th.

In the meantime General Morgan, with his corps, had reached the Pacolet, where Col. Andrew Pickens and Lieut.-Col. James McCall joined him December 25th. Soon afterward the Americans under Col. William Washington dispersed a body of Loyalists who were marauding along Fair Forest creek, killing, wounding and taking prisoners, nearly 200 of them. They also drove away a smaller force commanded by Gen. Robert Cunningham, at Williamson's plantation.

Becoming alarmed at these attacks and the growing disaffection of the people, Cornwallis commenced to fear for the safety of Ninety-six and, without waiting for Leslie's re-enforcements struggling through the neighboring swamps, ordered Tarleton over Broad River, with 750 cavalry and infantry and two three-pounders, to drive away Morgan and his men.

#### TARLETON MOVES AGAINST MORGAN

The movement under Tarleton against Morgan began on New Year's of 1781. After advancing into what is now Union County for twenty miles, the British commander reported to Cornwallis that Ninety-six was safe, but nevertheless sent for re-enforcements which he dispatched to the threatened point. The plan of campaign then devised was for Tarleton to advance up the west side of the Broad River and his Lordship up the opposite side, and when he (Tarleton) drove Morgan from the Pacolet and the American corps was forced to recross that stream near King's Mountain, the British commander-in-chief was to fall upon Morgan and crush him. The plan was not bad, but Cornwallis did not move as rapidly as he intended—waiting, as he was, for Leslie.



With a portion of the re-enforcements which he had received from Cornwallis, Tarleton moved with characteristic rapidity, and on the 14th of January, when beyond the Tyger River on the Cherokee road in the present Laurens County, obtained information that Morgan had guarded all the fords upon the Pacolet. He was, however, without information as to the movements of the main army under Cornwallis, but supposed it was in Morgan's rear. The two able commanders were maneuvering for an advantageous position for the following two days. Finally, Tarleton turned the position of the American corps and Morgan retreated to the Cowpens, near Broad river and Thicketty Mountain, in what is Spartanburg County, about two miles south of the North Carolina line. There the Americans took their stand and awaited the battle. They had about 940 men and the British considerably more; and both sides considered their men, on the whole, as trained, seasoned and reliable troops, though many of Pickens' men were raw militia.

#### THE BATTLE OF COWPENS

The field of battle was open woodland, favorable to the evolutions of cavalry and, in its general aspects, gave the advantage to the British. Broad River ran parallel with Morgan's rear and, figuratively speaking, the Americans were with "their backs to the wall." The ground gradually sloped toward the enemy, and at its highest point Morgan posted his men. The Maryland battalion, nearly 300 strong, the only regular infantry he had, were on the left and the companies of the Virginia militia were next in order with the Georgians, about 150 men, on the extreme right. Lieutenant-Colonel Howard commanded this line. One hundred and fifty yards to the front a force of 270 militia were posted, in open order, under Colonel Pickens. Major John Cunningham, of Georgia, and Major McDowell, of South Carolina, with 150 picked men, were stationed still farther in advance, about an equal distance as skirmishers, with orders to take to trees—not to fire until the enemy were within fifty yards; and then to fall back, firing at will, as they could find cover. Says Carrington in his "Battles of the American Revolution": "Colonel Pickens had orders, in like manner, to reserve fire until the enemy came within fifty yards, and after two volleys to retire to the left of the regulars; but if charged by cavalry, only one man in three was to fire, while the others must withhold fire until a charge was made, or the troopers should turn back. The regulars were advised of these instructions and cautioned, in case of being forced from their own position, to retire in good order to the next hill and be prepared at any time to face about and attack. In the rear of the high ground was a second small elevation behind which Washington's cavalry and Colonel McCall's mounted men were out of cannon range and in reserve for timely use."

When the British advance approached the American front, at about 8 o'clock on the morning of January 17th, it had been on a rapid march for several hours, but Tarleton's infantry and dragoons, with the artillery in the center, drove promptly ahead against the fresh and confident men of Morgan's command. That brave and shrewd officer, as he afterward claimed, purposely placed the Broad River behind him and shut off all avenue of retreat. It was fight the dreaded Tarleton, or die in their tracks, and like true Americans they determined to fight and, as many as possible, live to "fight another day."

\* So runs the popular verdict, but it is hard to believe that "he deliberately selected as his battle ground an open field and of purpose formed his line of battle with his 'wings in the air.'" There was no possibility of escape in case of defeat. His slurs on the Carolina militia and their tendency to run were ill timed in view of what the partisans had accomplished since the defeat of Gates. This explanation was made by Morgan in a letter written years afterward in which he attempts to answer criticisms made by Henry Lee and others. Morgan was disingenuous, and his statements in his explanatory letter do not accord with his letter written both before and immediately after the battle. He had won a glorious victory in spite of his choice of a dangerous position, in spite of all the ordinary precautions of good strategy;—and, yet, success is the test of merit, so the world judges.

As well might Col. William Moultrie have claimed that he purposely left the rear of "the fort on Sullivan's Island" unfinished and largely unprotected.

"AND ALL WENT VERY WELL THEN"

But faulty as was the selection of the position, Lee says: "The disposition for battle was masterly."

The battle progressed as Morgan had planned. The British charged, and after one steady, deliberate and destructive fire the militia began their movement to take position on the left of the regulars. The enemy still advanced against what it deemed retreating troops, but finding that the unexpected opposition which he now encountered was from the main American body, Tarleton then led the Seventy-first British regiment which had been held in reserve and 200 of his dragoons against the American right. The issues of the battle which then developed are thus described by Carrington: "As the British left ascended the hill to turn the American right, the militia there stationed were ordered by Morgan to swing back, thus making a crotchet to the rear, and to hold the position until Colonel Pickens could bring up the militia who were already forming for that purpose, while the American cavalry spurred around to the left of the regulars to attack the British right which had thus far followed the retreating militia. Lieutenant-Colonel Howard, mistaking this change of position in his right for the contingent movement to the rear, ordered the regulars also to retreat. The British had lost many officers and they pressed on in some disorder.

<sup>1</sup> "The issue of the day was at its crisis; when Morgan ordered his men to face about, deliver fire and charge with the bayonet. The British were within thirty yards. The effect was immediate and conclusive at that part of the field. Washington was just then engaged with the artillery endeavoring to capture the guns, and the British infantry and cavalry fled or surrendered. Nearly every gunner was killed or wounded while faithfully fighting by his gun. The Seventy-First Regiment with Tarleton's horse were still on the American right wing, until Pickens's militia came up vigorously attacking their flank. Being now under cross fire they also threw down their arms and surrendered. Tarleton escaped with forty horses, after a vain dash to save the guns and restore order. Tarleton and Washington here

\* McCrady: "History of South Carolina in the Revolution."

<sup>1</sup> Henry B. Carrington's "Battles of the American Revolution."

met face to face; the former received a cut on his hand and the latter a pistol shot in his knee.<sup>2</sup>

"The British casualties were stated by General Cornwallis at ten officers and ninety men killed, twenty-nine officers and 500 men captured. He omits the number wounded. Morgan accounts for 600 prisoners turned over to the commissary officer. The British returns of February 1st, reports diminution from last return, January 15th, as 784 men; which closely approximates the total loss. The American casualties were twelve killed and sixty wounded. Two standards, thirty-five wagons, 100 horses and two cannon were among the trophies of the victory. The history of the two little captured guns, then called 'Grasshoppers,' is worthy of note. They were taken from Burgoyne at Saratoga, retaken by the British at Camden, recovered by the Americans at Cowpens.

"Tarleton severely criticises Lord Cornwallis for neglect to advise him as to his movements, and says, with some bitterness, that 'as Ferguson's disaster made the first invasion of North Carolina, so the Battle of Cowpens would probably make the second, equally disastrous.'"

#### TARLETON AND WASHINGTON, HILT TO HILT

The personal encounter between the famous cavalry officers is thus described in McCrady's history, his data being drawn from Marshall's "Life of Washington," and Johnson's "Life of Greene": "Here it was that occurred that memorable contest between Tarleton and Washington, from which Washington so narrowly escaped. Seeing Tarleton approach, Washington ordered his men to charge and dashed forward himself. Tarleton ordered a retreat. Being in the rear of his retreating men and looking behind him, Tarleton perceived that Washington was very near him and fully thirty yards ahead of his troops. Observing this, with three officers he wheeled about and advanced to meet his pursuer. One of his officers, the one on the right, led, and parrying a blow aimed at him by Washington, the sword of the latter proved of inferior temper and broke in half. Washington, now at his mercy, was about to fall under the sword of this British officer, when the latter was disabled by an American sergeant who had come to the assistance of his leader. At the same instant a serving man, too small to wield a sword, but who had joined the affray, by a pistol shot saved Washington from the saber of the British officer who had come up on the left. Then Tarleton himself in the center made a thrust at Washington, which was parried; when retreating a few paces he used his pistol, with which he wounded Washington's horse."

The American victory was complete. None of the British escaped under command except Tarleton's little body of dragoons. Washington pursued what was left of the British command until evening. A part of Tarleton's cavalry reached Cornwallis camp at Fisher's Creek, on Broad River, twenty-five miles distant, on that evening, but the defeated leader, with the band which accompanied him, did not arrive until the following morning. McCrady says: "The distinguishing feature of the battle of Cowpens upon the American side was undoubtedly the effective work of Pickens's marksmen. It was this which in the very commencement of the action had carried terror

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<sup>2</sup> The more detailed account in McCrady states that Tarleton wounded Washington's horse.

into the hearts of Tarleton's dragoons and it was this which disorganized the British line to such an extent as to render it only a mob when the critical moment of the onslaught had arrived. So far from deserving the subsequent preposterous, though cruel, censure of the leader they served so well that day, it was Pickens himself who received the sword of the gallant commander of the Seventy-first Regiment." Gen. Wade Hampton said, in 1881: "Nothing shows more strongly his (Pickens) ability as a soldier and his control over his men than the fact that his command, after having been driven in, was rallied and brought promptly back into action at the most critical moment of the fight. This was the first occasion during the war when militia, after having been broken, were rallied and returned to the field."

The battle of Cowpens was the death blow to Tarleton's career, although Cornwallis did not criticise him for its outcome. It also marked the end of Morgan's active service, for soon afterward he was permanently incapacitated by rheumatism and retired from service with high fame for valor and ability. Not only Morgan, but Col. William Washington, Col. John Edgar Howard and Pickens were formally honored by Congress for their good part in the battle which meant so much for the American cause in South Carolina and the entire South. Some British and American historians declared the victory of pre-eminent importance. Steadman says: "The defeat of his Majesty's forces formed a very principal link in the chain of circumstances which led to the independence of America." Bancroft calls it "the most extraordinary victory of the war." Cornwallis himself describes it as being "an unexpected and extraordinary event;"—and, yet, tried by modern standards it was "hardly more than a skirmish!" It was not "in the same class" as the victory at King's Mountain.

It was not until the day after the battle of Cowpens was fought that Leslie joined Cornwallis at Turkey Creek, in what is now York County twenty-five miles southeast of Morgan's position. On the 19th of January the combined force began its northward march toward North Carolina. It numbered nearly 3,000 men, as the British commander had left about 700 at Camden, under Lord Rawdon.

#### MARION AND LEE ATTACK GEORGETOWN

Then Greene, from his "camp of repose," fearing that Cornwallis would interpose his army between Morgan and himself set out to join the victor at Cowpens. Before he had commenced his march he had ordered Colonel Lee, with his 280 horsemen and infantry, to join General Marion at the latter's camp on Snow Island for a combined attempt on Georgetown farther down the Pee Dee. While one party of the Americans dropped down the Pee Dee River in boats and finally occupied a part of the town from the unprotected water side, at the rear, the Legion militia and cavalry, under Marion and Lee, moved forward from the land side to attack the forts. The town garrison of 200 men under Colonel Campbell was surprised and surrendered without opposition, and the Legion advanced to attack the fortifications. All was quiet. The British troops who occupied them barricaded the doors and prepared to defend themselves. But Marion and Lee had no artillery with which to carry the works, knew it would be too costly an undertaking to assault them in the open, and therefore retired. The capture of the town itself was a barren victory, but it was one of a series of movements and forays, con-

ducted by Marion and Sumter, which proved to the consternation of the British leaders that their lines of communication between the low and the up-country were in constant danger.

About the middle of February, or less than a month after he had occupied Georgetown, Marion overtook a detachment of the British Sixty-Fourth Regiment of about his own strength—but infantry instead of cavalry, and soon drove the British to a position where a fence offered some protection. Marion had cut off in succession two British pickets, whereupon McElroth, the British major, sent word by a flag declaring shooting pickets “contrary to all the laws of civilized warfare” and defying Marion to combat in the open field. To this unusual challenge Marion quickly responded and appointed twenty picked men, headed by Major John Vanderhorst, to meet a like number of the British. The partisan party met the British party near a huge oak, both sides apparently ready for the strange combat. But strange to say, the British finally refused such a contest and retreated. When the Americans, under Major James, again overtook the British force, they learned of the presence of small-pox in the neighborhood and retreated themselves.

#### SUMTER AGAIN IN THE FIELD

While Marion was thus operating from Snow Island, Sumter, still suffering from his wounds, again took the field at the urgent request of General Greene. With what force he could collect in the Waxhaws, he moved toward the Congaree, and on the 19th of February reached Fort Granby, a stockade work on the west side of that river, three miles below the juncture of the Broad and Saluda. Otherwise described, the locality was about half a mile below the present city of Columbia, which was founded and built on the opposite side of the river. After besieging the fort, which was held by 300 men, for two days, Sumter withdrew upon the approach of Lord Rawdon with a large force, but not before he had destroyed the British magazine and supplies. Instead of moving north, as the British commander believed he would, Sumter retreated south into what is now Orangeburg County, attacked the British post at Belleville and captured a party marching toward Rawdon with twenty wagons laden with clothing, arms and supplies, killed thirteen and captured twenty-six prisoners. These were recaptured by Rawdon’s men, and in attempting to recover them Sumter was defeated at Fort Watson, Wright’s Bluff, losing the river boats which were of infinite value. While resting his men six miles away, in the High Hills of Santee, on the 4th of March, the partisan leader—then, it will be remembered, in command of all the South Carolina militia—received a letter from Marion. They vainly endeavored to join their forces for some concerted and decisive campaign against the enemy.

#### MARION ROUTS FORCES SENT TO CRUSH HIM

About the 1st of March, an expedition of 500 men sent by Rawdon to drive Marion from Snow Island, began to move along the Pee Dee toward their destination. It was commanded by Colonel Watson and the famous Volunteers of Ireland, under Colonel John Doyle, were ordered to join Watson’s force. Leaving one of his officers in command of his camp, on the 6th, Marion surprised and routed the enemy at Wiboo Swamp, in what is now Clarendon County. With his daring assistants, Col. Peter Horry and Major James, he con-

tinued these attacks upon the expeditionary force which Rawdon had sent to crush him, until the supplies of the British were exhausted, many killed and wounded and they were besieged on all sides. Watson at length abandoned the field and finally reached Georgetown with only a skeleton of his former substantial command of some 500 men.

In the meantime, Colonel Doyle had left the main body of the British troops and attacked the small force at Snow Island with such effect that the defenders of Marion's post had retreated after having destroyed all the arms and ammunitions. When Marion's men arrived in pursuit of Doyle the British were just scuttling one of the American ferry boats on the opposite side of the river. The enemy was pursued two days, but escaped to Camden. This loss of ammunition and arms forced Marion to avoid another encounter with Colonel Watson, who had started toward the Pee Dee with another force which he had raised at Georgetown, and, with his officers, he planned to withdraw into North Carolina. It was then, to Marion's infinite relief, that the news came of the approach of Colonel Lee and the advance of General Greene.

#### BATTLE OF GUILFORD COURT HOUSE, NORTH CAROLINA

While Sumter and Marion were thus operating in South Carolina, vainly endeavoring to effect a juncture that they might strike a heavy blow at the enemy, Greene and Cornwallis were approaching each other in North Carolina. Morgan, from illness and dissatisfaction with General Greene's military administration, had virtually retired and the commander-in-chief turned to Pickens for his chief aid in meeting the advance of the enemy. That able officer had been promoted brigadier by Governor Rutledge, and, with Colonel Lee, Greene assigned him the task of impeding the progress of the main British army under Cornwallis toward Hillsboro. The Americans had concentrated at Guilford.

By the 23d of February, the forces of General Pickens and Colonel Lee were hovering near the outposts of Cornwallis. A party of over 200 Loyalists, under Colonel Pyles, were proceeding along the Hillsboro road to join Tarleton's camp, when they were surprised by General Pickens. The surprise was complete, as Lee's troopers and Tarleton's dragoons were very similar in appearance, and the Tories lost heavily in killed and wounded. Pickens' men pressed on so rapidly that Tarleton himself narrowly escaped capture two days later.

As the movements of the contending armies are henceforth, for a time, on North Carolina soil, they must be omitted, or much condensed, as being legitimate historical material for our northern neighbor. That engagement, which was fought on the 15th of March, 1781, was a tactical defeat for Greene, but not a brilliant victory for Cornwallis.

Steadman, the English historian, says: "In this battle (Guilford) the British troops obtained a victory most honorable and glorious to themselves, but in its consequences, of no real advantage to the cause in which they were engaged."

No South Carolina troops were engaged and although the names of many of the officers are familiar, none were South Carolinians except General Huger, who commanded the right wing.

The general effect of the battle upon the fortunes of the people of South Carolina was to entirely remove Cornwallis from the State and draw him northward to the Chesapeake region, which he hoped

to overrun and control and use as a solid wedge splitting the North from the South and severing all communication between them.\* Greene at first thought that the British leader would pursue him and give battle again; but such was not the case, for Cornwallis's destitute army of 1,500 men continued its march toward Wilmington, North Carolina, whither it arrived April 7th. There this narrative leaves the British army and its able commander, who had not taken into account that American persistency which had been largely inherited from men and women of his own race.

#### GREENE RE-ENTERS SOUTH CAROLINA

Realizing that his most powerful enemy had left South Carolina, Greene decided to re-enter it and join his forces with the men under the partisan leaders who were still fighting within its borders. The day after the battle of Guilford Court House, March 16, 1781, Capt. Wade Hampton, who had joined Sumter, brought a letter from his commander, dated Waxhaws, March 9th, which conveyed little information. What was said verbally by the messenger has never been revealed, but doubtless General Greene gleaned valuable information as to the condition of affairs in South Carolina, which perhaps influenced him in deciding to re-enter the State. Colonel Lee declares that that movement was made at his suggestion. Three weeks afterward, the general communicated with Sumter, informing him that he had decided "to push directly into South Carolina. This will oblige the enemy to give up their prospects in this State or their posts in South Carolina, and if our army can be subsisted here we can fight them on as good terms with your aid as we can here. I beg therefore that you will give orders to Generals Pickens and Marion to collect all the militia they can to co-operate with us. But the object must be a secret to all except the generals, otherwise the enemy will take measures to counteract us. I am in hopes by sending forward our horse and some small detachments of light infantry to join your militia you will be able to possess yourself of all the little outposts before the army arrives. Take measures to collect all the provisions you can, for on this our whole operation will depend. I expect to be ready to march in about five days, and perhaps we may be in the neighborhood of Camden by the 20th of next month or earlier."

Greene broke camp on Deep River, North Carolina, on the 7th of April, 1781, sending one of his officers in advance who was to ascertain from Sumter what assistance might be expected. The reply made two days afterward was that 500 ten months men might be expected from him, 400 or 500 more from Marion's brigade and a small number from Pickens. As is often the case in such enterprises, such promises, although honestly made, did not materialize. In the working out of Greene's plans for this campaign, there was considerable friction between Marion and Sumter. Colonel Lee was then on his march to join Marion. The general rendezvous was to be a position between Camden and Ninety-six about thirty miles from the former. From this post Sumter soon swept the country between the Broad and Saluda, as well as between the Broad and Wateree.

#### COLONEL HARDEN AFIELD

William Harden, a Barnwell County man, who had made a good record in the service of his native State both as a captain of artillery

\* Henry B. Carrington's "Battles of the Revolution."

at Beaufort and a colonel of militia, at a later date, had joined the fortunes of Marion when Charlestown fell. He had collected a small force of men, consisting largely of refugees from the country bordering on the lower Savannah, and some time in March left his leader on the Pee Dee and struck across country toward the Ashepoo River, about midway between Charlestown and the Savannah. In April he and his hundred men were in the very heart of the lower country, traversed by the British when they finally invested Charlestown. Colonel Harden's design was to carry the partisan warfare as effectually into the low country as had been done in the upper parts of the State, and, if possible, to co-operate with Pickens who was then marching toward Ninety-six. His raids in the extreme southwestern part of the State, away from all support, had resulted in the dispersal of Tory parties at Four Holes, Dorchester County, Wiggins Hill, Barnwell County, and Fort Balfour, Beaufort. The latter post, on the Pocatigo, was captured on April 13th, after Harden had taken the principal officers of the garrison. That night and the following day Harden destroyed the fort, and departed just as a strong British force of relief from Charlestown made its appearance.

The engagement at Wiggin's Hill, Barnwell County, of a somewhat later date, was not favorable to Captain Harden. Colonel Browne, who commanded the British garrison at Augusta, had sent one of his under-officers to dislodge Captains Johnson and McCoy from the swamps along the Savannah River, whence the Whigs had been playing havoc with the communications between that place and Savannah. Browne's detachment had been driven back, with the loss of its commander and a number of men, when the commandant at Augusta heard of Colonel Harden's party then operating in the neighborhood of Coosawhatchie. The two forces met at Wiggin's Hill, in what is now Barnwell County, Harden having been joined by Johnson and McCoy. The British had 100 regulars, 70 Indians and 400 Loyal militia, far outnumbering the men commanded by Harden. The latter, however, commenced the attack, and after half an hour was compelled to retreat to an island in Coosawhatchie swamp, which he made his headquarters. There the wounded were taken and cared for by the soldiers and their Whig friends. The prisoners taken by Browne met the most atrocious death, several of them being first hanged by the British and then mutilated by the Indians. Colonel Harden and Captain McCoy continued their forays in the low country of the southwest, creating another potent source of uneasiness for the British forces of occupation in South Carolina.

On the 14th of April, Lee joined Marion on the Pee Dee, and after besieging little Fort Watson, at Wright's Bluff, present County of Clarendon, for eight days, carried it and could dispute the advance of Colonel Watson, or any other force coming to the relief of Lord Rawdon at Camden. Fort Watson was taken by the construction of a tower of logs suggested by Col. Hezekiah Maham, and which enabled the besiegers, who had no artillery, to fire down into the stockade and mound which constituted the fortification. It was a medieval device which enabled Marion's riflemen to have complete command of every part of the fort.

On the 23d of April, with renewed ammunition, Marion moved into the High Hills of Santee, and thence to the rear of Greene's army, which since the 19th had been posted at Hobkirk's Hill, about a mile and a half from Camden. The force under Marion numbered less than 400 men.



## BATTLE OF HOBKIRK'S HILL, OR CAMDEN

Although Marion and Lee had turned back the reinforcements expected from Georgetown under Watson, Lord Rawdon had received quite an accession from the Saluda and Broad River country. General Greene, on the other hand, had not yet been joined by Marion's brigade, and Sumter, according to his instructions from the commander-in-chief, was harassing the enemy and gathering provisions in the surrounding country. He had also sent back his baggage and artillery, as impedimenta to his movements to Rugeley's Mill, whence one piece was to be sent to Marion, who had requested it in his investment of Fort Watson. The bald facts were that on the 25th of April, 1781, when the battle of Hobkirk's Hill, or Camden, was to be fought, Rawdon had increased his fighting force, while Greene had not only failed to effect a junction with either Marion or Sumter, but had weakened his army by detaching Colonel Carrington and a portion of the artillery. As it was, each side mustered about 900 men.

Rawdon, able commander that he was, took advantage of these circumstances, of which he had been informed by a deserter, and determined to move from Camden to meet the enemy before Carrington and Marion came up, which he did, on the morning of the 25th of April, 1781. From the most trustworthy accounts, such as are contained in Moultrie's "Memoirs" and Lee's "Memoirs of the War," this bold offensive movement was a surprise to Greene and his men.

When the British thus advanced close to a swamp under cover of some woods,\* their first line was composed of the Volunteers of Ireland, organized in Philadelphia, on the right, the New York Volunteers in the center and the King's American Regiment on the left. The wings were supported by the Sixty-Third Regiment and a detachment under Captain Robertson. The British reserves comprised the South Carolina Provincial Regiment and the New York Dragoons.

To meet Rawdon's forces, Greene had posted on the right of the road leading to Camden the brigade of the two Virginia regiments under Gen. Isaac Huger, the Fourth under Lieutenant Colonel Campbell and the Fifth, under Lieutenant Colonel Hawes; on the left were the two Maryland regiments under Col. Otho H. Williams—the First Maryland commanded immediately by Colonel Gunby and the Fifth by Lieutenant Colonel Ford. The American center was held by the Fifth Virginia and the First Maryland regiments, which were so posted across the road as to mask the artillery. The reserve consisted of cavalry under Lieutenant Colonel Washington and the North Carolina militia under Colonel Reade.

Patrols had been sent out to scour the country upon Greene's right and two bodies of pickets were a mile in advance, they, in turn, supported by the remains of the Delaware troops, "the Blue Hen's Chickens," who had fought so gallantly under De Kalb and were now under command of Capt. Robert Kirkwood, of that State.

The Delaware men under Captain Kirkwood first came into touch with Rawdon's advance, retired firing in good order, and gave the American center an opportunity to unmask the artillery. The British were therefore received with showers of grape shot from the guns, and Greene advanced his two wings to enfold the enemy's smaller front, while Colonel Washington, with his cavalry, was ordered to attack his rear. At the same time the center, Hawes's and Gunby's

\* McCrady's "History of South Carolina."

regiments, was to make a frontal charge. But Lord Rawdon quickly extended his own wings and executed the very movement attempted by Greene, and the entire American front was driven back. By this quick movement, the British attack was thrown against the American left-center, and particularly against the First Maryland, the record of which had been unexcelled both at Cowpens and Guilford. Opposed to that command were also those noted British commands, the Sixty-Third Regiment of the line and the King's American Regiment.

At this crisis was illustrated the uncertain fortunes of war, for instead of meeting the shock with their accustomed fortitude the men of the First Maryland quailed, then fled in a panic, and at the death of Capt. William Beatty, one of their bravest officers, came to a halt upon the battle-field. While Colonel Williams and others were endeavoring to rally the First Regiment, Colonel Ford, commander of the Fifth Maryland, was shot from his horse with a mortal wound. Already isolated by the retirement of the First, the Fifth Maryland also withdrew, and the battle was lost to Greene.

There remained, however, a series of sharp engagements for the protection of the American artillery, which was exposed on the summit of a hill. A detail from the Maryland line, which had now been rallied, was sent by the commander-in-chief to protect the guns, and he himself had appeared at this exposed point to direct operations. The British horsemen had ascended the hill and the defenders of the artillery were about to quit their pieces before the detail arrived, when Greene galloped up alone, seized the gun ropes and encouraged the men to resist until the Maryland men come to their relief. Then the guns were drawn to a place of safety and the British cavalry driven off for the time. They returned to the charge again and again, and were finally joined by the infantry. The Americans who defended the guns, numbering forty-five, were at length killed to a man and, after this heroic sacrifice, the artillery would have been captured had not Colonel Washington appeared, charged with his cavalry, turned the British left and put an end to the contest on this part of the battle-field.

With his artillery, ammunition and supplies safe, Greene collected his wounded and retired several miles from the field, encamping on the afternoon of the engagement at Saunders's Creek. Rawdon withdrew the British toward Camden, leaving Captain Coffin a small mounted force on the field of battle. Washington soon drew them into an ambush, dispersed them and himself occupied the battlefield of Hobkirk's Hill, or Camden; so that although Greene was beaten, technically and actually, he remained in possession of it.

The loss to the Americans was 20 killed, 108 wounded and 133 missing; total 261. The British lost 258, of whom about 39 were killed. No enemy officer of prominence was killed; while of the Americans, Captain Beatty expired on the field and Lieutenant Colonel Ford died of his wounds.

"The victory at Hobkirk's Hill," says Steadman, "like that at Guilford Court House \* \* \* produced no consequence beneficial to the British interest." "Even in Charlestown itself, many of the inhabitants, although awed and restrained by the presence of the garrison, gave signs of evident dissatisfaction. Sumter on the northwest frontier and Marion on the northeast, had kept alive the embers of revolt; but they now burst forth in a flame, as soon as intelligence was received that General Greene had entered the province."

## RAWDON RETIRES FROM CAMDEN AFTER BURNING IT

The result of the battle was a defeat for Greene; and he undoubtedly so considered it. In fact, he was about to abandon the State, when he learned that Lord Rawdon was about to evacuate Camden. As a result of the ceaseless activities of Marion, Sumter, Davie, Horry and all the other partisans, the British communications with Georgetown and even Charlestown were most uncertain; the posts in the up-country, and Royalist and British parties in motion, were being attacked at every hour of the night and day; and the outlook was never more gloomy for the enemy, despite his barren victory at Hobkirk's Hill.

"With his communications then entirely broken up," says McCrady, in his "History of South Carolina" (his account collated from Ramsay's "Revolution"), "Lord Rawdon on the 9th (of May) published to the troops and the loyal militia his design of abandoning Camden, and offering to such people of the latter place as chose to accompany the army all possible assistance. He spent the night in destroying the works and in sending off, under a strong escort, his baggage. To cover the movement, the remainder of the troops continued at Camden until the following day was far advanced. The most valuable part of the stores were brought off and the rest destroyed. The mill, prison, court house and other buildings were burned, many private buildings sharing the same fate. Camden was left a heap of ruins. The sick and wounded who were unable to bear a removal were of necessity abandoned, and the American prisoners left to remain with others as an exchange. The army brought off, not only the militia who had been attached to them at Camden, but the well affected to the royal cause, who were afraid to fall into the hands of the Americans, with their families, negroes and movables taken equally under his Lordship's protection. The loyal families who accompanied his Lordship were, however, cruelly neglected after their arrival in Charlestown. They built themselves huts without the line of fortifications in a settlement called Rawdon Town, which, because of its poverty and wretchedness, became a term of reproach. Many women and children who had lived comfortably on farms near Camden soon died of want in their miserable habitations."

## CUTTING AROUND RAWDON'S RETREATING ARMY

Lord Rawdon, however, was to have another contest with Greene which was to add to his fame as a military man and to detract, if anything, from the standing of Greene. Sumter, Marion and Lee were also to take the field all around him, cut his communications between the up and the low country, seize many of the leading British posts which had been established in South Carolina, and then when either Rawdon's destruction, or surrender, seemed imminent, and the protection of Charlestown was threatened, have their well-matured plan thwarted by the commander-in-chief who had counter ambitions to serve.

Sumter had swept the country between the Broad and the Saluda and the Broad and the Wateree and, with the retreat of Rawdon southward from Camden, proposed to capture Forts Motte and Granby, south of the Congaree, which were the connecting links between Charlestown and Ninety-six. As Watson, coming to the relief of Rawdon, had eluded Marion, the possession of these centers of supplies, ammunition and military strength would also serve to place the two British forces in jeopardy.

On May 2d, Sumter invested both the forts on the Congaree and while leaving Colonel Taylor to reduce Fort Granby, dashed southward with a field-piece which he had finally obtained from Greene, and on the 11th captured Orangeburg, with supplies, provisions and a garrison of 100 men.

In the meantime, Fort Motte had been besieged for three days by Marion and Lee, who had come thither under orders from Greene, and on the fourth day that stronghold fell. It had been fired by them and capitulated with its garrison of 340 men. Fort Motte was the chief center of supplies between Charlestown and the up-country, and Fort Granby itself largely depended upon it.

#### REBECCA MOTTE AND THE EAST INDIAN ARROWS

The center of its defensive works was the colonial mansion of Mrs. Rebecca Motte—she had moved to a small house in the vicinity when the Americans invested the post. To capture the fort Mrs. Motte was informed that it was necessary that her home must be fired. She gladly assented to the sacrifice, assuring Colonel Lee "that the loss of her property was nothing compared with the advancement of their cause." She then brought to the American officers some arrows, and possibly a bow, to fire them, and suggested that they be used to ignite the roof of her own house. There are several variants of the story as to the disposition of those "fire arrows," as Lord Rawdon called them. It is, however, exceedingly probable that Mrs. Motte's East Indian arrows were used, and with complete success, for as soon as the house was in flames the British surrendered the post; but Judge James, the biographer of Marion, says that "Nathan Savage, a private in Marion's brigade, made up a ball of rosin and brimstone, to which he set fire, and slung it on the roof of the house." It was a dramatic instance of the devoted patriotism of the "Mothers of the Revolution"; has naturally caught the public fancy, and has immortalized Rebecca Motte of South Carolina.

#### · RIGHTEOUS WRATH OF SUMTER AND MARION

Both Greene and Rawdon were within a few miles of Fort Motte when it surrendered. Lee appears to have taken things into his own hands in such a way as to have offended Marion, and the terms of surrender were arranged by the former.

Lee's outrageous course in regard to the surrender of Fort Granby is apparently even more reprehensible. "He is charged," says McCrady, "with granting improper terms to the British commander (the notorious loyalist Maxwell), in order to hasten the surrender before Sumter, who had hemmed in the British garrison before Lee's arrival, could return from a dash upon Orangeburg"; so as "to secure for himself the honor of receiving the surrender of Fort Granby."

The misunderstandings between Marion, Sumter, Greene and Lee were manifold at this time and were brought to a white heat by a request that the partisans furnish the continental soldiers with horses, forgetting that "horses were as essential to Sumter and Marion as they were to Greene himself." Both the great partisans sent in their resignations to Greene, but, it is needless to say, they were returned by the commander-in-chief with his warmest compliments for what they had done and an earnest request that they retain their commissions. Perhaps the principal cause of contention, besides chagrin over the terms granted to the British at Fort Motte by which its

commandant and his officers were allowed to join Lord Rawdon's army protected by an American escort, was the drafting of horses from the partisans for General Greene's continentals.

#### RAWDON RETIRES TO THE CHARLESTOWN NEIGHBORHOOD

By about the middle of May, 1781, Rawdon had reached Nelson's Ferry, in what is now Clarendon County, and there he had a conference with Colonel Balfour, the Charlestown commandant. The condition of affairs in the low-country was pictured as anything but reassuring, and it was represented to his Lordship that if his force was beaten the province was lost to the British. As Sumter had completely severed his communications and he could not advance to the Congaree, he fell back to the Eutaws, in the present Orangeburg County, and thence to Monck's Corner, the center of Berkeley, where he was in a position to protect Charlestown from any force moving down from the north.

It was at this period, when the American forces under Greene were superior to those under Rawdon (estimated at about 1,800 to 1,600, respectively) that Sumter urged the American commander to attack the British army, posted to protect Charlestown, and end the war in South Carolina. But General Greene believed the proper plan was to first take Ninety-six and Augusta, then march his army into North Carolina, follow and overtake Cornwallis and finish him and the war in Virginia. So Greene, being commander-in-chief, had his way.

#### GREENE'S ARMY HEADS FOR NINETY-SIX

On May the 17th, 1781, the American army under Greene, numbering about 1,000 men, moved from Friday's ferry, or Fort Granby, a position on the opposite bank of the Congaree from the present city of Columbia, along the direct road to Ninety-six. Sumter was left to watch Rawdon. The army to besiege Ninety-six reached its destination on May 22d, Count Kosciuszko in command of the engineers in the advance. Ninety-six was defended by Lieut. Col. John H. Cruger. The Americans gradually advanced their trenches, in which they were repeatedly attacked with loss of life on both sides.

While these operations were progressing, word had reached Greene that a fleet bearing British reinforcements had already appeared in Charlestown. This news, with the portentous fact which confronted him that the Virginia reinforcements which had been promised him had not arrived, was most disquieting.

#### RAWDON RELIEVES NINETY-SIX

While the siege of Ninety-six was in its early stages Marion, with the permission of Sumter, was marching toward Georgetown. The British evacuated the town on June 5th, without a contest, and Marion destroyed its fortifications. On the following day, as it happened, seventeen transports brought a large body of British reinforcements and landed them in Charlestown. Three regiments of foot and a body of recruits had come from Ireland. Rawdon added further to the efficiency of his force in another way. Taking a fund of nearly 3,000 guineas which the Loyalists of Charleston had raised to equip a body of dragoons for Cornwallis, Rawdon used it to convert the South Carolina Regiment of Royalists into a cavalry corps. This materially increased his fighting power, so that the men under him numbered

1,700 foot and 150 horse; and with that force, which then exceeded that under Greene, he marched, on the 7th of June, for the relief of Ninety-six. Colonel Doyle afterwards joined him with several hundred more, bringing the British army up to 2,000 men, nearly double that in command of Greene.

While the British were marching to the relief of Ninety-six, Greene was feverishly pressing the siege. Lee had reached him, with his Legion cavalry, on June 8th, three days after the fall of Augusta, under the combined attacks of Pickens, Lee and Clarke, and the American commander hoped to receive the benefit of their reinforcements. The stockade, which protected the supply of water for Ninety-six, was stubbornly defended by the British, who also covered the roofs of the garrison building with sandbags to prevent them being fired by the besiegers. Finally the stockade was enfiladed and evacuated, but the garrison obtained water by sending out coal-black negroes in the darkness of the night to a near-by rivulet.

Lord Rawdon, with a command so large that it was even proof against any attacks that Sumter or Marion might make, took a direct course from Orangeburg to Ninety-six, passing Fort Granby and crossing Lexington County into Edgefield. On the 17th of June he was between Greene and Sumter, pressing toward Ninety-six, in what is now Greenwood County.

#### GREENE REPULSED FROM NINETY-SIX

Sumter reported the approach of the British army to Greene, who determined to storm the fort before Rawdon should arrive with his overwhelming force. The attempt was bravely made on June 18, 1781, by Virginia, Maryland and Delaware troops, and as heroically resisted. While the assailing columns were in the trenches, the British made a fierce bayonet charge, by which many Americans were killed and Greene's men repulsed. On the night of the 19th, the Americans raised the siege, and commenced an orderly retreat to beyond Bush River, in what is now Newberry County, twenty-two miles away. Greene's loss during the siege was 185 killed and wounded; the British loss 27 killed and 58 wounded.

Lord Rawdon and his army entered Ninety-six on June 21st, and three days later undertook to overtake the retreating American troops with a force of 2,000 effective men, but did not continue the pursuit beyond the Enoree. The British had recovered the country from Greene which had been wrested from them by such as Sumter, Marion and Lee.

#### THE BRITISH EVACUATE NINETY-SIX

Rawdon had repossessed himself of Ninety-six and controlled the district, which was the strongest Royalist section in the State, but he recognized the great difficulty, if not impossibility, of continuing control of this section which he had recovered only because of the arrival of re-enforcements from Ireland. He was convinced that the British must withdraw into closer lines, and yet the Loyalists in the district of Ninety-six and the territory between the Broad and Saluda must not be left defenseless. He called a meeting of the principal Tories of the Ninety-six neighborhood and promised them British support and relief if they would hold together and repel any attacks from their Whig countrymen. Although he knew that Balfour's force had been weakened by sending a regiment to Savannah, and that there were

apprehensions of the coming of a French fleet, yet he called upon the commandant at Charlestown for a strong corps to provide against the American recovery of Orangeburg. Balfour complied and it was agreed that such re-enforcements should start northward and the two forces should unite at the Congaree on the 3d of July. So when Rawdon heard that the Third British regiment had left Charlestown, under Col. Alexander Stuart, he moved out of Ninety-six with 800 infantry and 60 horse for the south. Colonel Cruger, who had held Ninety-six against Greene's attacks, was left there with the bulk of Rawdon's force to protect the Royalists with their families. Some Royalists were to accompany the British and, if feasible, settle on the way to Charlestown, in the new prospective British zone. They found no resting place thither, however, and their deplorable fate when they reached the Charlestown neighborhood has already been described.

#### A RACE FOR FORT GRANBY

Lord Rawdon commenced his march for the Congaree on June 29th, and when Greene learned that the enemy was on the move southward toward re-enforcements, either from Orangeburg or Charlestown, and perhaps from both places, he decided to follow him. As was his custom, the commander sent his cavalry leaders and the partisans ahead to investigate, do the active and rough fighting, and prepare the way for some bold stroke of warfare which should redound to his name and fame. Lee was to hover around Ninety-six and watch Cruger, and Washington was to move down between the Broad and Wateree and endeavor to intercept Rawdon between Fort Granby and Orangeburg. Sumter and Marion were to co-operate in the lower country, as near Charlestown as they could penetrate. Having started these movements, the commander continued for a day on his route toward Granby, and then waited two days at Rocky Creek to try and make out the British plan, and for the arrival of 200 North Carolinians. There Greene heard from a deserter that 400 infantry and 40 horses under Colonel Stuart were coming up the Orangeburg road to join Rawdon. Lee was ordered to join Washington near Granby and meet the British re-enforcements, and Greene determined to strike Rawdon before the coming of Stuart. When the American army reached Winnsboro July 3d, it was ordered to press on, with light baggage, to the Congaree. Greene himself with a small cavalry escort advanced to meet Washington and further study the situation.

Rawdon, more alert perhaps than Greene, obtained news of these movements, and raced ahead to reach Granby in advance of the American troops. He reached that point, where he was to have been joined by the Third regiment under Colonel Stuart, two days ahead of the date fixed for their meeting. Colonel Lee had also arrived at that point and attacked Rawdon piecemeal; capturing forty-five of his dragoons, almost all of his cavalry, at one time; destroying bridges and felling trees to impede his progress, and making it impossible for Rawdon to get food supplies. Added to all this was the extremely hot weather from which the British suffered intensely, being more heavily clad and armed. "In this march from Ninety-six to Orangeburg," says McCrady, "more than fifty of the British army fell dead from heat, fatigue and privation."

Up to this time neither Rawdon nor Greene knew that Balfour had recalled Stuart to Charlestown, fearing a French invasion by sea.

## GREENE AND RAWDON BOTH RE-ENFORCED

At this critical stage, Greene recalled Sumter from his campaign in the low country to join him at Friday's Ferry, opposite Fort Granby. The partisan general arrived at that point on the 8th of July, the very day that Stuart and his Third regiment met Rawdon's weary and pestered men at Orangeburg. Marion and his corps were added to Greene's army soon afterward, that alert and dashing leader then learning with deep chagrin that Stuart's troops had passed him on another road—not intentionally but accidentally. The regiment coming to Rawdon's relief fortunately was unaccompanied by cavalry.

## GREENE DECLINES BATTLE AND GOES INTO CAMP

Colonel Cruger, of Ninety-six, was now moving down the west side of the Edisto, protecting the Royalists and their families, old men, women and children. Necessarily he moved slowly, especially as Pickens and Clarke were doing all they could to impede his progress. If Cruger's command should also join Rawdon, the British would again have a great preponderance of troops, and when within four miles of Orangeburg, on July 10th, it seemed probable that Greene would offer battle. He then had 2,000 men under him, of whom 800 were regulars, and his cavalry was far superior to that of the enemy. The British had 1,500 disciplined men. Some of Greene's officers, notably Sumter, were eager to be led to the attack, but caution prevailed over the first impulse of the commander-in-chief, and on the 13th he calmly retired to the cool and restful High Hills of the Santee. There he pitched his camp and proceeded to plan hard and active work for his subordinates. Sumter, Lee, Wade Hampton, Colonels Horry and Lacey, and other real fighters were sent toward Monck's Corner and the Charlestown neighborhood, and the operations were commenced again from which Sumter had been drawn to Orangeburg.

## HOW IT FARED IN THE LOW COUNTRY

In the meantime, events had been moving in the lower country. On the 10th of August, while Rawdon was at Orangeburg doubtless expecting Greene to attack, a British sympathizer had set fire to Georgetown which Marion had captured and left in possession of a few of his men. Most of the town, forty-two houses, were burned before the flames could be controlled, the assaulting party firing upon the citizens who were extinguishing the fires.

Colonel Harden was active, and from his camp at Horse Shoe, on the Ashapoo River, was constantly issuing forth on expeditions against Royalist gatherings. He had been joined in these raids by Col. Isaac Hayne, who at first declined to carry war to the enemy on the ground that the terms of his parole, given at the fall of Charlestown, bound him to be neutral. Subsequent events, however, by which the British violated all the terms of their agreement, had induced Colonel Hayne to become one of Harden's most active assistants. On July 5th, Gen. Andrew Williamson, who had deserted the American cause and gone over to the British, was taken prisoner at his plantation only five miles from Charlestown, during one of these Harden expeditions. The British retaliated by sending a superior force to Horse Shoe camp, routing Harden with considerable loss and capturing Colonel Hayne.



All the time, Sumter and his seasoned officers and men, were coming toward Monck's Corner and the approaches to Charlestown. Dorchester was seized without resistance by Lee and indirectly by Col. Wade Hampton, and a lot of horses captured which had been left behind by Stuart on his march to Orangeburg.

#### HAMPTON RUDELY INTERRUPTS DIVINE SERVICE

A characteristic dash of Wade Hampton at this time is unique in several particulars. On Sunday morning (15th July) he reached Goose Creek Church and found a large congregation there. He surrounded the church, made several prisoners, whom he paroled, and captured a number of horses.

An attack upon the Quarter House, about five miles from Charlestown, by Hampton's men, under Captain Read, was entirely successful; the guard surrounded several Loyalist gentlemen, who were spending the morning there, were taken and paroled; and Hampton's party retired with fifty prisoners including several officers. McCrady says that when the news of this daring expedition reached Charlestown, a few miles away, "the bells were rung, the alarm guns were fired, and the whole city was under arms."

#### THE FIGHT FOR QUINBY BRIDGE

The British post at Monck's Corner was under command of Lieutenant-Colonel Coates, who with the Nineteenth regiment of regulars, 150 South Carolina rangers and one piece of artillery, had occupied Biggin Church, a strong brick building, a mile away. On July 16th Sumter's entire force endeavored to cut off Colonel Coates's command from Charlestown by seizing Wadboo and Quinby bridges. There was brisk fighting at the former, but the British force, after burning Biggin Church filled with stores, escaped to Quinby bridge, which crossed the eastern branch of the Cooper River. Coates partially destroyed the bridge when his troops had reached the other side, and Lee's cavalry undertook to charge the enemy over the loosened structure. There were many exhibitions of gallantry, on both sides, but the attempt was barren of success, and the British retreated to the Shubrick plantation and took their stand in its buildings and grounds.

The engagement commenced in front of the plantation residence, where the British forces (some 600 and about equal to those of Sumter) were drawn up in line of battle. It was claimed that Sumter's brigade was protected at the expense of Marion's men; that, in the advance, it had the shelter of a line of negro houses and that Marion's brigade moved forward almost in the open. Notwithstanding, quite early in the engagement a party under Col. Thomas Taylor, one of Sumter's officers, was saved from a bayonet slaughter by riflemen of Marion's brigade. The battle went against the British, who soon retired to the house for shelter, and had Sumter's ammunition not been utterly exhausted the enemy would have been driven farther toward Charlestown. As it was, there was nothing to do but to retire, and wait for another day of reckoning. As Marion's men were most active in the affair, they also suffered the most, losing Lieutenant-Colonel Baxter, Captain Perry and Lieutenant Jones, gallant partisan officers. The Americans lost about sixty killed and wounded; no prisoners. The British reported forty-five killed, but made no mention of 100 taken prisoners. The attack, it is said, was made against Marion's advice, and Lee did not participate. Marion and his men,

as stated, felt that Sumter had not treated them fairly, and the feeling was so high that a number of them moved off in the night.

After the engagement, Sumter, knowing that Rawdon was moving down in force from Orangeburg, recrossed the Santee and took post near Friday's Ferry, opposite Fort Granby, leaving Marion to watch the country along the river. So Sumter and Marion were watching sleeplessly in the lower country, while Greene still rested in the High Hills of the Santee, near which he was to fight the last engagement with the British in South Carolina which reached the dimensions of a battle. But nearly two months were yet to pass before the battle of the Eutaws should be fought, and there were several events of moment, either connected with the war in Charleston and St. Augustine, or directly bearing upon the battle itself.

Reference has been made elsewhere to the extraordinary mortality among the prisoners held by the British in and around Charleston. But it was not by death alone, says Ramsay, that the Americans were deprived of their soldiers. The insidious plan of the British was that used successfully with Benedict Arnold a few months before—bribery, and a promise of preferment in the British army. Accordingly, on March 11, 1781, Lord Charles Greville Montague, former governor of South Carolina, and once an intimate friend of the distinguished soldier, addressed a letter to General Moultrie, then a prisoner, declaring that he (Moultrie) had fought bravely in the cause of his country, and now had "a fair opening of quitting that service with honor and Reputation" by going with him to Jamaica. There, Lord Charles said, he would turn over the command of his regiment to Moultrie and serve under him.

\* To this extraordinary letter, which is too long to publish here in full, Moultrie made a longer reply burning with patriotic fervor and stinging rebuke, and which should be familiar to every school boy and girl in South Carolina. After referring, with pardonable pride, to his services to his country, he tells Lord Montague: "You call upon me now, and tell me I have a fair opening of quitting that service with honor and reputation to myself by going with you to Jamaica. Good God! Is it possible that such an idea could arise in the breast of a man of honor? \* \* \* Would you wish to have that man whom you have honored with your friendship to play the traitor? Surely not.

"WHERE TO HIDE MYSELF FROM MYSELF?"

"You say by quitting this country for a short time I might avoid disagreeable conversations, and might return at my own leisure and take possession of my estate for myself and family; but you have forgot to tell me how I am to get rid of the feelings of an injured honest heart, and where to hide myself from myself. Could I be guilty of such baseness, I should hate myself and shun mankind." \* \* \* "My Lord, I could make one more proposal, but my situation as a prisoner circumscribes me within certain bounds." \* \* \*

"I am, My Lord, your Lordship's most

obedient humble servant,

"WILLIAM MOULTRIE."

#### ATTEMPT TO BRIBE MOULTRIE'S SON

After the death of his son, Maj. William Moultrie, in 1776, the general found in that son's desk a letter to him from Colonel Balfour,

\* For the details as to this historic correspondence, the reader is referred to the biography of General Moultrie in Chapter XXX.

dated January 14, 1781, proposing that he urge his father to relinquish the American cause, and promising to restore his estates, pay damages, etc. Of this proposal, so found, General Moultrie says: "This proposal from Colonel Balfour convinces me that the letter I received from Lord Charles Montague, some time after, did not originate with himself; when I showed Lord Charles's letter to my son, he then told me of Colonel Balfour's proposal to him. He told Colonel Balfour, "He could not make such a proposal to his father, for he was sure he would not listen to it."

#### THE BRITISH MALTREAT PRISONERS

The American prisoners, who had been put in charge of their ranking officer, Major General Moultrie, were at first treated fairly well, and the then commandant, General Patterson, showed great courtesy and leniency to Moultrie, C. C. Pinckney, and other American officers. But, as the number of prisoners increased, especially after the succession of Balfour as commandant, many prisoners were treated with great cruelty, despite repeated protests from General Moultrie.

They had first been crowded into the barracks and other buildings near town, and when these quarters overflowed were packed into the prison ships in the harbor, in violation of all the terms of capitulation. To add to the horror of their condition aboard ship, smallpox and dysentery appeared and became virulent and unusually fatal, and after thirteen months' captivity 800 prisoners, almost a third of the whole number, had died.

Finally, on May 3, 1781, a cartel for the exchange of prisoners was agreed upon, the period covered by it being from the commencement of the war to June 15th of that year. Notice of the exchange was immediately sent to St. Augustine, where it was received July 7th. Joy over the receipt of such news was dampened with apprehension by the fact that two days previously the exiles had been ordered to prepare to march to the St. John's River and thence to take boat for Savannah. With the arrangement of the terms of exchange by the British and American commissioners appointed at Charlestown and who had come to an agreement on June 22nd, the St. Augustine refugees were again overjoyed to know that they were not to be asked to take the long march to the St. John's River, but had every prospect of rejoining their families and friends in Charlestown. Some days later (June 27th) they read an official order from Colonel Balfour, the Charlestown commandant, that their wives and families must leave South Carolina by the 1st of August and were informed verbally that they would be permitted to rejoin them as prisoners of war, exchanged either for Virginia or Philadelphia—but they would not be permitted to stop at Charlestown. Their properties at that place had been confiscated and occupied by the British. In July and August, the refugees from St. Augustine and their wives and families from Charlestown were reunited in Philadelphia. Those that went from Charlestown were said to number 670 men, women and children and 71 servants; and there the refugees waited in the City of Brotherly Love for the cruel war to end.

#### EXECUTION OF COLONEL HAYNE

Col. Isaac Hayne was one of the Americans whom the cartel of May 3d did not cover. The British claimed that he had violated his

parole and was beyond its pale. He was also their prisoner, which made it easier for them to punish him. Lord Rawdon was getting ready to retire from the service and return to England. To him an appeal was made to save Hayne from execution, and Rawdon claimed that he ordered a court of inquiry with the idea of gaining time for the prisoner. The court of inquiry instead of exercising its function of investigation, which is much like that of a grand jury, passed on the guilt of the accused and in accordance with their report, Rawdon and Balfour ordered his execution by hanging, "for having been found under arms raising a regiment to oppose the British government, though he had become a subject and accepted the protection of that government after the fall of Charlestown."

The contention of Colonel Hayne was that the British had violated their agreement, in calling upon him to bear arms against his own people, and that, under the well established principle of law, a contract broken by one party absolves the other. Two respites from death were granted, on the plea both that he might say farewell to his children and because of the fact that both Loyalists and Americans of standing (including Lieutenant Governor Bull, who had lately returned from England), had interceded for him. Finally, all further attempts to save the colonel's life were deemed useless.

This account of the execution from McCrady, condensed from Ramsay's "Revolution in South Carolina," and Lee's "Memoirs of the War," is as follows: "On the morning of the fatal day, the 4th of August (1781), on receiving his summons to proceed to the place of execution, he delivered the statement and paper he had prepared to his oldest son, a youth of about thirteen years of age. 'Present,' said he, 'these papers to Mrs. Edwards with my request that she should forward them to her brother in Congress. You will next repair to the place of execution, receive my body, and see it decently interred among my forefathers.' The father and son then took a final leave. The colonel's arms were pinioned, and a guard placed round his person. The procession moved from the Exchange—now the old Post-office, at the foot of Broad Street—in the forenoon of the 4th of August. The streets were crowded with thousands of spectators. Colonel Hayne walked to the place of execution with such firmness, composure and dignity as to awaken the compassion and to command the respect of all. When the barrier of the town—the town gates—was passed, the gibbet appeared in sight. To this moment he had hoped that his last request as to the mode of his execution would have been granted, and when he saw the instrument of ignominious death, for a moment he paused, but immediately recovering his wonted firmness, moved forward. As he did so, a friend whispered his confidence 'that he would exhibit an example of the manner in which an American can die.' To this he answered with modesty and tranquillity, 'I will endeavor to do so.' Neither arrogant superior firmness nor betraying weakness, he ascended the cart, unsupported and unappalled. Upon some movement of the executioner, Colonel Hayne inquired what he wanted, and upon being informed that he wished to pull the cap over his eyes, the colonel replied, 'I will save you that trouble,' and adjusted it himself. Then asked whether he wished to say anything, he answered, 'I will only take leave of my friends and be ready.' He then affectionately shook hands with three gentlemen, recommending his children to their care, and gave the signal for the cart to move."

The greatest sympathy and indignation were expressed by Americans at this outrage and, for a while, there was talk of reprisal. Even

in Parliament it was made a party question, the Earl of Abingdon and the Earl of Shelburne and the Duke of Richmond bitterly denouncing it, while the Earl of Huntingdon attempted to prove that his nephew, Lord Rawdon, had only a partial command and that the responsibility must fall upon Nesbit Balfour, the commandant.\*

#### "REGULARS" OF BOTH ARMIES REST

For some weeks after the battle of Quinby bridge, both the men under Greene and the men subject to Sumter passed a season of repose, as to carrying the war to the British. Various stories told of that period, however, seem to indicate that many of the partisans had disbanded and had either retired or were scouring the country bent on errands common to such restless spirits.

Lord Rawdon sailed for England on August 21, 1781, and the command of the British army in the field devolved upon Colonel Stuart. He had moved his troops from Orangeburg to the hills near the juncture of the Congaree and Wateree to recuperate for the coming campaign. The hot, enervating season was being met by Stuart in much the same way as by Greene, while Marion, Washington and Harden were still active in cutting the enemy's communications on the lower Santee and the Edisto. Lee was sent along the north bank of the Congaree and even attacked stray parties from Stuart's command between Orangeburg and his camp farther north.

#### ARMIES AGAIN IN MOTION

The news from Washington and the Virginia field to the effect that Cornwallis might be shut off from escape and communication with Clinton, by the coming of the long-expected French fleet, and that the commander-in-chief of the British army might attempt a sudden return to Charlestown, induced Greene to break up his "camp of repose" sooner than he had intended and march against Stuart. The American commander called his officers for a conference, on the 22d of August, and about a week afterward reached Howell's Ferry, on the Congaree. Heavy rains had fallen and progress had been unusually difficult.

#### BATTLE OF THE EUTAWS

In the meantime, Colonel Stuart had fallen back to Eutaw Springs, a short distance over the Orangeburg line in Berkeley County.† There the garrison at Fair Lawn and other re-enforcements joined him, and he waited for Greene to attack him. Marion had been detached from Greene's main body to go to the relief of Harden on the Edisto. The lightning Swamp Fox had accomplished this and much more, and on September 5th he and his men were awaiting Greene, who was advancing to meet Stuart, at Henry Laurens's plantation, seventeen miles above Eutaw Springs. Careful estimates of the respective forces of the Americans and British place Greene's army as somewhat more than 2,000—Carrington estimates it at over 2,300—and Stuart's at 2,300.

Greene's men had been re-enforced by 350 continentals and 150 militia from North Carolina, but the latter had come unarmed. The

\* See also Southern Review, Vol. I, 1828: "Execution of Colonel Hayne."

† Through a change in county lines, the battlefield is now in Orangeburg County.

other continentals, or regulars, comprised the infantry and cavalry from Virginia (the latter under Washington), and the forces from Maryland and Delaware. The South Carolina Volunteers, or Militia, comprised Sumter's, Pickens's and Marion's men (547) and were under the general command of Marion, as Sumter was absent from the battlefield on account of his wound.

Stuart's army comprised his own regiment—the Third, or Buffs; six flank companies under Major Majoribanks, of the Nineteenth; the remains of the veteran Sixty-Third and Sixty-Fourth regiments; the men formerly composing the garrison of Ninety-six, the New York and New Jersey Royalists, and the cavalry raised by the Loyalists of Charlestown commanded by Maj. John Coffin. The artillery was about equal. The slight numerical advantage held by the British was considered to be offset by the superiority of the Americans in cavalry.

At 4 o'clock in the morning of September 8th, the American army moved to the attack, which Stuart had not anticipated so soon, not realizing the rapidity of Marion's movements and believing that he had not yet joined Greene. The militia of the Carolinas was in the advance. General Marion commanded the right wing, General Pickens the left and the command of the center, the North Carolina Militia, was entrusted to Colonel Malmedy. The artillery rested on the main road. The second line comprised three small brigades of continentals from North Carolina, Virginia and Maryland, commanded respectively by General Sumner, Colonel Campbell and Colonel Williams. The body of the reserve consisted of Washington's cavalry and the Delaware troops under Capt. Robert Kirkwood. Lee's Legion covered the right flank and the South Carolina State troops under Lieutenant Colonel Henderson, the left.

A party sent out by Stuart for provisions gave the British the first news of the American advance, with which Captain Coffin's cavalry soon came in contact, losing forty of his men, and at 9 o'clock the main bodies of the opposing forces were within the range of the artillery, which opened the battle. The British left wing advanced and drove the militia and North Carolinians before it, but received an unexpected shock when the regulars of Virginia and Maryland were encountered. The first line of the Americans was soon restored, also, and the British retreated. The reserve then came to their support. The American second line was promptly advanced, at a bayonet charge, and the British left wing in turn gave way.

No better condensed account of the battle of the Eutaws has been given than that contained in Col. Henry B. Carrington's "Battles of the American Revolution," which follows: "Colonel Henderson was wounded early in the action and Lieut. Col. Wade Hampton succeeded to the command of the cavalry on the left flank. Washington, with Kirkwood, advanced toward the position occupied by Majoribanks, and Lee threatened the British left wing. The bayonet charge led by Colonel Williams shattered the British left wing. The troops broke into disorder and fled through their camp to the cover of the house already occupied by Major Sheridan (who commanded the New York Volunteers). While the British officers were rallying their men and forming the line anew, and obliquely to the left across the open ground behind their camp, a portion of the American troops were plundering the tents, drinking rum and sacrificing the partial success already attained.

"The position of Major Majoribanks was such as to endanger the American left wing. Colonel Washington, attempting in vain to dis-

lodge him, was wounded and taken prisoner, together with nearly forty of his men. The thicket (black jack) was too dense for the movement of cavalry and the men were taken, one by one, without opportunity to resist. Kirkwood and Hampton made a similar attempt with persistent valor, but Majoribanks only retired to a still stronger position and eventually behind the palisades of the garden.

"General Greene made every possible effort to restore his line, but no troops could withstand the hot fire to which they were exposed. The artillerymen were in open ground and nearly every one fell upon the field. The house which Sheridan occupied had windows in the roof and was practically, as General Greene reports it, a three-story house. Finding its capture impossible and that his men were exposed to absolute slaughter, he abandoned the guns and retired to Burdell's plantation."

Majoribanks at once pounced upon the abandoned guns and hurried them under cover of the house, charged upon the Americans and drove them before him. Although Greene's men rallied in the woods beyond, the British themselves were too much crippled to follow up the pursuit.

There was no battle of the Revolution fought in South Carolina in which the action was so spirited, or in which the advantage changed so frequently, as that of the Eutaws. Beyond question the occupation of the brick house and garden, and the plunder of the British camp, plentifully supplied with grog, taken together, saved Colonel Stuart's army. The loss appears to have been heavier among the British than the Americans. Colonel Stuart gives it at 693, of whom 76 were killed and 351 wounded. The loss to Greene's army was 517, of whom 114 were killed among the continental troops and 25 among the militia and State troops. Of the leading British officers wounded, the gallant Majoribanks was so seriously injured that he died in a negro cabin, on the British retirement to Charlestown; while Colonel Stuart himself was so badly wounded that he was obliged to leave the field and soon afterward transfer the command of the expedition to Lieut. Col. John Doyle.

On the American side, Colonel Campbell, of Virginia, who had commanded the continentals of that State, was killed on the field; Lieut. John Simons was also killed. Of the wounded were General Pickets, and Colonels Washington, Howard, Henderson and Hugh Horry.

The British under Doyle retired to a position on the Santee, near Nelson's Ferry, and a week after the battle Greene was again reposing among the high hills.

#### "BLOODY BILL" CUNNINGHAM

While the war was thus being conducted under rules which were usually based upon some measure of fair play, William Cunningham, who had taken his first lessons in chivalry from the Cherokees and afterward deserted the American cause, was earning his place in history as "Bloody Bill," by committing fearful acts of barbarism in the region now covered by Laurens and Edgefield counties—in his old home neighborhood of the Ninety-six District. All his atrocities were excused by himself on the ground that they were committed on account of some act of violence perpetrated on his own relatives or friends. In August, Cunningham set out from Charlestown with 150 men for the definite purpose of terrorizing the Whigs of Ninety-six. He began by killing eight rebels in Laurens County, where his party

received other Loyalists who desired to further such work. By November, however, the Tory brigand had collected nearly 300 of his kind. With this force he surprised a Whig party of thirty who had encamped on a branch of the Little Saluda, Edgefield County, and massacred all but two of them, who were killed fighting. Both Capt. James Butler and his son were among the slain.\*

A few days afterward, the robbers and murderers crossed the Saluda to Hayes Station. The house there was defended by a gallant American officer, Col. Joseph Hayes, and fifteen other men. Cuning- ham first set fire to the house, after its occupants had resisted for several hours, and when its defenders surrendered rather than be burned to death or suffocated, "Bloody Bill" hanged Colonel Hayes and Capt. Daniel Williams. Two of the Americans had previously been killed in the engagement, and after the surrender, not only were these two officers hanged, but the twelve other members of the party were shot down without mercy.

#### "BLOODY BATES"

Whether the fierce sweep of "Bloody Bill" through the Ninety-six District and the uprising of the Cherokees farther north in Greenville County, just below the Saluda Mountains, were related, as parts of the British campaign, is a matter only of conjecture. The massacre at Gowen's Fort, the refuge of the Whigs in the far up-country, was the fiendish work of a party of Loyalists and Indians led from the mountains by one "Bloody Bates," in the early part of November, 1781. All surrendered to him and his savages, white and red, and few of the men, women and children who thus threw themselves upon his mercy escaped; those who did, were scalped or otherwise terribly mutilated. A small measure of justice was meted out to "Bloody Bates," years afterward, when he was killed by a member of one of the families which he had almost blotted from the earth.

#### GREENE AGAIN LEAVES HIS "CAMP OF REPOSE"

While Greene was laying inactive in his Santee camp, about the last of October, news of Cornwallis's surrender reached him. Official announcement of the crushing disaster to the royal cause in America was made on the 9th of November, which was appointed a day of jubilee in the American army, which was soon astir under the impetus of Greene's determination to drive the enemy into Charlestown. Governor Rutledge had also joined the army and was reorganizing the State Government which had so long been submerged in the actions and horrors of war.

General Greene ordered Marion and his subordinates, Colonels Shelby, Sevier, Horry (Peter) and Maham, to act between the Santee and Charlestown, while Sumter's brigade of State troops and militia was to post themselves at Orangeburg, and General Pickens, with Col. Robert Anderson's and Hammond's regiments, was to advance to the northern frontier and quell any uprisings of combined Loyalists and Indians in that part of the State. The main army was to move toward Charlestown. Sumter started for his destination on November 12th, but was forced back by a superior body which Gen. Robert Cuning- ham had raised in Charlestown. Marion was likewise checked by Colonel

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\* Curwen, in his "Journal and Letters," claims that William Cuning- ham was not present.



Stuart, who had returned to the field with the rank of general, and commanded a force of 2,000 men.

Greene broke camp again on November 18th, his ultimate destination being Four Hole Swamp, east of the Edisto River, in Dorchester County of the present, about thirty miles from Charlestown. About ten days after the march commenced, the mountaineers of North Carolina, under Colonels Shelby and Sevier, left Marion and the army, claiming that their term of service had expired. It materially depleted the army and caused Greene considerable uneasiness. Before they deserted, however, they took Fair Lawn, a landing on the Cooper River, with valuable arms and stores. A hospital there was burned, after the medical men had been paroled and the sick brought away on horses. General Stuart had already drawn his command toward Charlestown, and Greene, to his relief, found his way thither unimpeded.

#### THE DORCHESTER POST ABANDONED

The American commander-in-chief now left his army under Colonel Williams, who once before had commanded it in the absence of General Huger, and accompanied by a mixed escort of cavalry under Col. Wade Hampton, Greene moved rapidly toward Dorchester. The main body of the troops under Williams was to be marched, as already stated, to the Four Hole Swamp on the Edisto. Hampton's cavalry surprised a party of Loyalists reconnoitering for intelligence, either killing, wounding or taking prisoners nearly all of them, and during the night (December 1st) the garrison of the Dorchester Post, numbering 500 or 600, thinking the entire American army was upon them, fled in a panic, threw their cannon in the Ashley River, destroyed everything possible, and retreated to Charlestown. About five miles from town, where the Neck is narrow and readily defended, the British halted, and were soon re-enforced by General Stuart. The British army in South Carolina was now confined to Charlestown and the Neck, and Greene and the partisans were masters of the situation.

General Greene's camp was at Sanders's plantation, near the Ashpoo River, about ten miles northeast of the present Walterboro, Colleton County, forty or fifty miles southwest of Charlestown. "Marion," says McCrady, "was advanced nearer to Charlestown to keep the right of the enemy in check. He took post at Wadboo on the eastern side of the Cooper. Sumter occupied Orangeburg and the Four Holes. Col. Wade Hampton with fifty of the State cavalry kept open the communication between Sumter and Marion. Colonels Harden and Wilkinson watched the enemy's movements on the south, while Colonel Lee, who had rejoined the army, in command of the light detachment posted in advance, kept the enemy from prying into the real weakness of the American army. This was indeed necessary, for the investing force did not, at this time, number 800 men, nor had the army four rounds of ammunition to a man."

#### ARMY PROTECTS NEW SEAT OF GOVERNMENT

Greene's camp was pitched in the midst of a fertile, rich, settled country, which had been little ravaged, and was therefore much better adapted to support his little army than the up-country. Before the British had virtually withdrawn to Charlestown, Governor Rutledge and his Council had planned to convene the General Assembly at Camden, but with the radical change in the status of the war, it was

manifestly more feasible to fix the seat of government in the low country, under the protection of the army. Greene therefore urged that the Assembly convene at Jacksonborough, just within the eastern line of Colleton County, on the southwestern bank of the Edisto. Governor Rutledge having acceded to that suggestion, the army of protection crossed the Edisto, on December 16, 1781, and took position six miles east of Jacksonborough on the road leading to Charlestown. And from that time, the civil affairs of South Carolina vie with the military for pre-eminence.

## CHAPTER XXIX

### CIVIL GOVERNMENT REAPPEARS (1781-1782)

From the time that General Greene safeguarded the assembling of the South Carolina Legislature at Jacksonborough, the civil affairs of the State commenced again to assume prominence, and Governor Rutledge and the military commander were in constant consultation. Fortunately, the enemy was not aware of the weakness of the American army of protection, in numbers, in ammunition, in provisions and everything else but courage—the chief strength of an army, after all; for “the sinews of war are the sinews of valiant men.” As one means of filling his depleted ranks, Greene suggested to the governor the drafting of negroes, a renewal of the scheme of John Laurens in 1780, and the suggestion was taken under advisement. In September, also, Governor Rutledge had begun the reorganization of the State militia under the law of 1779, by which it was divided into three classes, each of which was required to serve two months in succession. The brigadier generals, Sumter, Marion and Pickens, were directed by the governor to carry out the law in its details.

#### GUBERNATIONAL PROCLAMATIONS

Previous to the meeting of the General Assembly (also in September, 1781) Governor Rutledge issued proclamations withdrawing as legal tender the paper money issued by Congress and the State, and substituting specie, and offering a general amnesty (with a few exceptions) to the Tories and their families. Within thirty days from the date of the proclamation they were to surrender themselves to the nearest brigadier general, the men agreeing to serve in the American force for six months, their dependents returning to their homes. Desertion from the army was to be followed by exile from the State, the Tory families to be sent into the American lines. The proclamation was criticized even by many of the Whigs, as punishing many who had gone over to the British under compulsion, in order that their homes and families might be protected during the period when the enemy had the upper hand. But the proclamation had the effect of drawing a number to the American standard, especially to Sumter's command; and that was evidently its prime object.

#### SUMTER AND HARDEN RESIGN

In November, 1781, Governor Rutledge sent letters of instruction to the brigadier generals of the State who were to have general supervision of the coming election for new members of the Senate and House of Representatives. The duties performed by General Sumter in this connection concluded his active military service for the State. In the reorganization of the State Militia Sumter's old brigade was reduced to two regiments, and his cavalry under Wade Hampton, in

which he took special pride, was detached and assigned to Georgia. He considered also that Marion had been favored at his expense; Lee who was in the good graces of Greene had been continuously criticising him to his superior, and other unpleasant and irritating events had occurred, which induced the faithful and wounded partisan to send in his resignation during January, 1782, soon after the meeting of the General Assembly. Colonel Henderson succeeded him as brigadier general and Colonel Lacey continued in command of the militia which remained in his brigade.

Colonel Harden had also resigned, upon being superseded by John Barnwell whom Governor Rutledge had made a brigadier, in command of the new brigade which had been assigned to cover that part of Marion's former command extending from Charlestown to Savannah.

#### PERSONNEL OF THE NEW GENERAL ASSEMBLY

Under the terms of the governor's proclamation, the General Assembly of South Carolina, which convened at Jacksonborough, on the 18th of January, 1782, represented unreconstructed rebels alone. It was a reunion of the civil and military leaders who had saved the State, and there never was a more notable gathering in South Carolina. Constitutionally, there should have been present, twenty-eight senators and 174 representatives; actually, on that day, there appeared thirteen senators, just enough to organize the upper house, and seventy-four representatives, a little more than a quorum. No journal was kept of the proceedings of the Legislature and the details have been gathered from private manuscripts and diaries, and a few such publications as Ramsay's "Revolution in South Carolina" and Gibbe's "Documentary History."

Condensations from these and other sources have been made by McCrady in his history of South Carolina, who thus presents the personnel of the historic body: "The Assembly about to convene was composed almost entirely of two classes: Prisoners—the exiles to St. Augustine and those confined on the prison ships—and officers of the Continental army, State troops and militia. Among those who were elected from the parishes of St. Philip and St. Michaels, Charlestown, the senators were Arthur Middleton, the signer of the Declaration of Independence, an exile to St. Augustine, and Colonel Isaac Motte, who had been second in command at Fort Moultrie on the 28th of June, 1776.

"As representatives, there were Thomas Heyward, Jr., and Edward Rutledge, the other two living signers of the Declaration; Henry Laurens, just released from the tower of London, and Colonel John Laurens, his son; Hugh Rutledge; John Neufville, the chairman, it will be recollected of the general committee of the non-importers in 1769; Major Thomas Grimball, who commanded the Charlestown Battalion of Artillery during the siege of the city; Dr. David Ramsay, the future historian, and other exiles, with Major Thomas Pinckney and Colonel James Postell.

"The senator from Christ Church was Colonel Arnoldus Vanderhorst, and Major John Vanderhorst, a representative, two of Marion's officers. Marion himself was senator from St. John's, Berkeley. From St. Andrew's, John Rutledge, the governor; Richard Hutson, Benjamin Cattell, exiles, and Major Peter Bocquet were among the representatives. From St. George's, Dorchester, Dr. David Oliphant, the surgeon general, was elected as senator; General Isaac Huger,



HON. THOMAS HEYWARD, JR.

Member of the First Patriot Assembly, judge, signer of the Declaration of Independence, and first president of the Agricultural Society of South Carolina, from its foundation in 1785 until the year 1798.

General William Moultrie, Colonel Charles Cotesworth Pinckney, John Mathews, the member of Congress, and Edward Blake, an exile, representatives.

"St. James's, Goose Creek, chose as representatives, Ralph Izard, who had been one of the American envoys abroad and who was now serving as a volunteer in the army, and William Johnson and George Flagg, two exiles. From St. Thomas and St. Denis's, Major Isaac Harleston was senator. From St. Paul's, Joseph Bee, an exile, was senator, and Thomas Bee, formerly lieutenant governor, Thomas Ferguson and Morton Wilkinson, exiles, were representatives. From St. Bartholomew's, Major Edmund Hyrne, aide-de-camp to General Greene, who had so admirably managed the exchange of prisoners on the American side, was elected a representative. From St. Helena, Major Pierce Butler and Thomas Heyward, Sr., were elected. Prince George's, Winyaw, elected a strong delegation, including Colonel Hugh Horry as senator, General Christopher Gadsden, Colonel Peter Horry, Major William Benison and Captain Thomas Mitchell. Captain William Alston and Nathaniel Dwight, whose house Watson had burned, were the representatives from All Saints. From Prince Frederick's there were Colonel John Baxter, who had been so severely wounded at Quinby; Major John James, Captain William McCottry, Captain John McCauley and Colonel James Postell, all Marion's men. Among the representatives from St. Peter's was Colonel William Stafford. The senator from Prince William's was Colonel William Harden.

"From the district to the eastward of the Wateree—that is, the Camden district—General Sumter was chosen senator, and among the ten representatives were James Bradley, with the marks of iron still on his wrists, where they had remained since Tarleton's brutal treatment; Joseph Kershaw, just released and returned from Bermuda, where he had been exiled with his brother Eli, who had died on the voyage of typhus dysentery taken in the prison ships; Colonel Richard Richardson; and Major John James, who had been returned also from Prince Frederick's.

"From Ninety-six, the senator was John Lewis Gervais, the member of the Council who had gone out with Governor Rutledge from Charlestown before its capitulation, and had succeeded in keeping out of the reach of the enemy, remaining steadfast to the cause, while the two other councillors who had gone with them had returned to their plantations and taken protection. General Pickens, Colonel Robert Anderson, Colonel Le Roy Hammond, Major Hugh Middleton, Patrick Calhoun, John Ewing Colhoun and Arthur Simkins, whose house the Tories had burned, were representatives. Colonels Wade Hampton and Richard Hampton were representatives from Saxe Gotha. From the upper district between the Broad and the Saluda, that is, what is now Spartanburg County, the representatives were General William Henderson, Colonel Thomas Brandon, one of the heroes of King's Mountain, Samuel McJunkin, father of the famous Whig partisan, Joseph McJunkin, and Colonel John Thomas, Jr., the hero of Cedar Springs. Colonel Thomas Taylor was senator from the district between the Broad and Catawba, and among the representatives were Colonel James Lyles, Colonel Edward Lacey and Colonel Richard Winn. Colonel William Hill, whose iron works were destroyed by Huck and who had served so gallantly under Sumter and at King's Mountain, was a representative from the New Acquisition (York). Colonel William Thomson, who had repulsed the British under Sir Henry Clinton, when attempting to cross from Long Island to Sullivan's Island on the memorable 28th of June, 1776, was senator from

St. Matthew's and Orange. Major Thomas, who had captured the party on the Pee Dee in September, 1780, was a representative from St. David's Parish."

Some of the most distinguished of the members-elect could not be present and their election was only an evidence of the esteem and admiration of the public. Several of the members were still exiles in Philadelphia with no money to pay their way home; others were en route; some of the military leaders could not leave their posts, and other members could not leave their families owing to the distracted condition of the country. The most distinguished of the unwilling absentees was Henry Laurens, who had just been released from the Tower and was still in London and, who, in the succeeding August, was to be formally exchanged for Lord Cornwallis.

It is evident that such men as the foregoing were representatives in the flesh of the patriot's cause in every phase of the Revolutionary war. The up-country was also out in force. When the Assembly met on Friday, the 18th of January, in the little courthouse of Jacksonborough—a settlement of only a few houses—John L. Gervais was chosen president of the Senate, and Philip Prioleau, clerk, while Hugh Rutledge was elected speaker of the House of Representatives and John Berwick, clerk.

#### GOVERNOR RUTLEDGE'S SPEECH

The address, or "speech," of Governor Rutledge, at this first Legislature of a people with freedom in sight, was obviously of supreme interest, but the thoughtful reader will be surprised to note his failure to duly appreciate the preeminent services of Sumter and Marion. As McCrady aptly says, "little importance was attached by the governor to their conduct as forerunning the action of Greene and preparing the way for his successes, if not accomplishing results of which his successes were only the natural and inevitable consequences."

The lion's share of praise for the turn in military affairs was given to General Greene, in these words: "But I can now congratulate you, and I do so most cordially, on the pleasing change of affairs, which, under the blessing of God, the wisdom, prudence, address and bravery of the great and gallant General Greene, and the intrepidity of the officers and men under his command, has been happily effected—a general who is justly entitled, from his many signal services, to honourable and singular marks of your approbation and gratitude. His successes have been more rapid and complete than the most sanguine could have expected. The enemy, compelled to surrender or evacuate every post which they held in the country, frequently defeated and driven from place to place, are obliged to seek refuge under the walls of Charlestown and on islands in its vicinity. We have now the full and absolute possession of every other part of the State; and the legislative, executive and judicial powers are in the free exercise of their respective authorities."

The subjects upon which the governor touched, which relate closely to South Carolina, have to do with the reorganization of the militia; the proper course to be pursued in the treatment of those who had supported the cause of royalty; whether, or not, "the forfeiture and appropriation of their property should now take place;" and the measures to be enacted to make the circulating medium stable. Concluding, he said: "The interest and honour, the safety and happiness of our country, depend so much on the result of your deliberations that

I flatter myself you will proceed in the weighty business before you, with firmness and temper, with vigour, unanimity and despatch."

#### THE GLORIFICATION OF GREENE

In response to that portion of the governor's address relating to the honors of the war, the Senate but repeated his eulogy of Greene and made no allusion to Sumter, Marion, Pickens, or the other prominent partisan leaders. The House of Representatives "out Heroded Herod," in its laudation of General Greene, but had the fairness to give the partisans this meed of praise: "The Generals Sumter, Marion and Pickens, with the brave militia under their commands, those virtuous citizens who did not despair of the commonwealth in her greatest extremity, are deserving of the highest commendation."

Some idea of the extravagant language, may be gathered from this paragraph in the answer of the House. Referring to Greene, it says: "His achievements in this State, while they rank him with the \* greatest commanders of ancient or modern date, will engrave his name in indelible characters on the heart of every friend to this country."

The first really important business before the Assembly was the election of governor, whose term had, under the constitution of 1778, expired in January, 1781. At that time, the British seemed to have a firm hold on the entire State and no election was possible. The first choice of the Assembly then in session fell upon Christopher Gadsden, but in a short, eloquent and pathetic speech he declined the honor on account of "the increasing infirmities of old age." John Mathews, the congressman who had balked the intrigue of the French ambassador, and his American allies in the Eastern states, to sacrifice South Carolina and Georgia for the independency of the other eleven states, Washington's friend and adviser, was then elected, and accepted. The privy councillors elected were Christopher Gadsden, Edward Rutledge, Peter Bocquet, Morton Wilkinson, Richard Beresford, Samuel Smith, Benjamin Guerard and John Lloyd. John Rutledge, Arthur Middleton, John Lewis Gervais, Ralph Izard and David Ramsay, were chosen as delegates to Congress. The commissioners of the treasury elected were William Parker and Edward Blake.

#### LEGISLATIVE MEASURES

In compliance with former Governor Rutledge's recommendations, the first act passed by the Legislature was that repealing the laws which made paper money or bills of credit legal tender. The operation of the statute of limitation was suspended until February 1, 1783, and an act was passed prohibiting the commencement of suits for debt until ten days after the meeting of the succeeding General Assembly. Various measures were also passed for army supplies and providing bounties for continental service for three years, or "during the war." The recruit was to "receive for each and every year's service the bounty of one sound negro between the age of ten and forty years." If he died in the service, or should be maimed after the commencement of

\* One wonders why General Greene's fervid admirers did not quote the exordium to Bossuet's celebrated oration: "At the moment that I open my lips to celebrate the undying glory of the Prince of Condé, I find myself equally overwhelmed by the greatness of the subject and \* \* \* by the uselessness of the task."



the third year, he or his heirs should "be entitled to receive the same bounty as if he served out the third year." Bounties of negroes were provided for those who should raise specified numbers of recruits.

At the recommendation of Governor Rutledge, the Assembly appointed Thomas Ferguson, Morton Wilkinson and John Ward as commissioners to purchase an estate for General Greene which should be valued at 10,000 guineas. Georgia and North Carolina also voted Greene money and lands.

#### THE UNPOPULAR AMERCEMENT ACT

The Amercement Act aimed at the Tories, confiscating the estates of all who had placed themselves under the protection of the British and who had failed to conform to the terms of Governor Rutledge's proclamation of the preceding September 27th, was next passed, and was the cause of so much contention that successive legislatures for several years allowed those banished to return to the State and be indemnified for the seizure of their properties. Such patriots as Marion and Gadsden were bitterly opposed to it and expressed themselves without reserve to that effect. Now that the war was over, they urged a policy of conciliation which should reunite the Whigs and Tories as citizens of a common State. Theirs was the larger view and finally prevailed.

Besides those who had failed to surrender themselves as required by the proclamation of the governor, made in pursuance of the ordinance of 1779, those falling under the provisions of the Amercement Act were as follows: (2), Those who upon the surrender of Charlestown had congratulated Sir Henry Clinton and Admiral Arbuthnot on its reduction; (3), those who had voluntarily embodied and served in the Royal militia; (4), those who had congratulated the Earl Cornwallis on his victory at Camden; (5), those who then held or had held, commissions under his Britannic Majesty and were then with the enemy; (6), those who had not only voluntarily avowed their allegiance to his Britannic Majesty, but by the general tenor of their conduct had manifested their attachment to the British government and proved themselves inveterate enemies of the State. It was charged that not only was favoritism shown by the commissioners charged with confiscating the estate of those falling under these classifications, but that the revenue which was expected to be derived for the State was so small as to in no wise compensate for the ill feeling aroused.

McCrary notes the inexplicable fact that though the Jacksonborough Legislature was composed largely of Low Countrymen, out of the 239 persons whose estates were confiscated, but ten were of the Up Country, and then names several Up Country Loyalists whose estates were unaffected, while the estates of William Cameron the cooper, James Duncan the blacksmith, John Fisher the cabinet-maker and John Ward the tailor, all of Charlestown, were confiscated. McCrary also notes the singular coincidence that upon the overthrow of the Southern Confederacy in 1865, the Federal government likewise restricted its practical confiscation to those of Confederates on the coast.

#### QUARRELING OVER RANK AND HONOR

Although a number of small engagements were fought between British parties sallying forth for provisions and American bands sent by Greene to prevent them, it was, excepting the defeat of Richardson by the British under Coffin at Videau's Bridge, a campaign of such inactivity that the officers on the American side commenced to quarrel

among themselves over their comparative rank in the service; Lee and Peter Horry resigned, and Maham retired.

In February, Colonel Horry's regiment was so crippled as a result of engagements with the enemy, under Col. Benjamin Thompson, afterward Count Rumford, at Wambaw bridge and Tydiman's plantation, that it fell back to the Pee Dee to recruit and consolidate with Maham's command. Then Colonels Horry and Maham quarrelled as to which of them should command the consolidated body. Marion as before decided in favor of Maham. Then Horry resigned and Maham was soon afterward taken sick and retired to his plantation, where he was soon captured by one of Cunningham's parties and dropped from sight. Colonel Lee had already left the service, disgusted with Colonel Laurens's advancement, so that Marion and Laurens seemed to be the only military leaders left in the low-country; but Marion's original brigade was completely disorganized.

#### INSUBORDINATION AND WORSE

While these small engagements, but attended with considerable loss, took place around Charlestown, General Wayne, who had been sent into Georgia, and General Barnwell, who had recently been appointed to command the new district between Charlestown and the Savannah, were endeavoring to cut off the British supplies in that part of the field. Their plan was to burn the forage and grain on Wright's and Hutchinson's islands near Savannah. Barnwell's part of the enterprise which was to have culminated on the 24th of February, went amiss, and most of his men were killed or taken prisoners. In fact, General Barnwell did not come up to expectations, and his men, who were partisans of Harden, were dissatisfied, and so Barnwell adopted the prevailing fashion of resigning.\*

Following Lee's resignation, General Greene had reorganized his light troops into a brigade under Gen. Mordecai Gist, of Maryland. A large body of infantry was also placed in command of Colonel Laurens. Whereupon, Major Rudolph, who thought he should have been advanced, and whose merits were not appreciated by General Greene, resigned, with all the officers of the Legion. The spirit of insubordination and discontent spread.

Although they were according to Lafayette, "the best clothed troops in the army," the Pennsylvania Continentals were the most mutinous of all. They had contemptuously posted a placard, near the headquarters of their commander General St. Clair, bearing this inscription: "Can soldiers be expected to do their duty clothed in rags and fed on rice?" A conspiracy headed by one of the pampered Pennsylvanians, Sergeant Gornell, was revealed by a patriotic camp-woman. Correspondence had been opened with the enemy, and arrangements made to deliver up the commander and every officer of distinction to the British on a certain day. It failed of fruition and all prominently concerned with it eventually deserted to the enemy. Sergeant Gornell was tried, convicted and executed by a firing squad selected from his own corps.

#### COLONEL LAURENS'S DEATH AND LIFE

While Marion was absent in the Pee Dee district quelling an uprising of the Tories in that region, General Leslie sent a foraging

\* A letter from John Rutledge to General Greene, September 6, 1782, would seem to indicate that Harden, though a "very worthy, brave man, keeps no discipline or authority over his men." This would appear a good reason for not giving him a general's commission.

expedition northward toward Georgetown. After making another treaty with the Tories under Major Gainey, Marion was ordered to Georgetown whither it was thought the British were headed, but the British foragers and fleet after collecting several hundred barrels of rice along the Santee, started on the southern expedition to Beaufort and the region of the Combahee. When General Greene learned definitely of its destination, he dispatched General Gist, with his light brigade, to the country thus threatened. Gist was then in advance of the main army near the Stono, and Colonel Laurens, who was on a sick bed near Wappoo Creek, held a position even in advance of the pickets of the brigade, being the head of the "intelligence department" and in touch with secret agents in Charlestown. When the general was therefore ordered to the south to protect the Combahee country, the colonel had been assigned to such an important duty that it was thought best to retain him at Wappoo Creek on the outskirts of Charlestown.

Colonel Laurens, however, was so eager to get into real action that he wrote a note to Greene acquainting him of the march of the British light troops, and, notwithstanding his illness, he hurried after them and overtook the brigade on the north bank of the Combahee River near the ferry. The enemy had landed on the opposite side. Twelve miles below, where Chehaw Neck approaches the river, General Gist had erected a work by which he planned to annoy the enemy in its retreat. At his request, Colonel Laurens, with fifty infantry, a howitzer and some matrosses, was sent down the river to occupy that post. On the evening of the 26th, the colonel halted his command at the hospitable plantation residence of William Stock, and after a night of social enjoyment, before dawn put his detachment in motion, for the occupation of the post at Chehaw Point.

As the British were not able to collect any rice on the south side of the Combahee, as the crop had been gathered to supply the people and Wayne's army in Georgia and as Gist's arrival had prevented them from foraging on the north side of the river, the enemy's fleet dropped down stream about the time that Colonel Laurens's detachment was marching toward Chehaw. Whether they had received information of the fact, or surmised that Gist would endeavor to annoy them in their retreat, is not known. At all events, before General Gist could relieve Colonel Laurens, or even reach him by messenger, the British had landed a detachment of 140 men on the north shore near the road along which the little American band must march and were posted in a field of high grass. Colonel Laurens was in the advance on horseback when the British arose from their hiding place to fire. He immediately dashed forward with his men after him, as did Captain Smith, of the artillery, and at the first fire Colonel Laurens was killed and the captain wounded. The howitzer fell into the enemy's hands and the infantry retreated, until they were met, a short distance away, by Gist's cavalry. Although an attempt was made by the Americans, after their infantry had arrived, to dislodge the British from the position which they had taken, protected by logs and underbrush, it was unsuccessful, and they withdrew. So far as known, the enemy sustained no loss, but Gist's command suffered heavily in proportion to the number engaged. The killed were Colonel Laurens, and a corporal of the Legion cavalry; the wounded included three commissioned officers and sixteen privates and three were reported missing.

Col. John Laurens, although but twenty-seven years old at the time of his death in this minor engagement at the close of the Revolution, was one of the most brilliant men of this period of brilliant

characters. Educated in Geneva and London, when the war began he was a student of law at the Temple, London; and made his way home with difficulty. In 1777, then twenty-two years of age and while his father was serving as president of the Continental Congress, the young man was attached to Washington's staff, and so distinguished himself at Germantown, Monmouth and in the Rhode Island campaigns of 1778 that Congress voted him the rank of lieutenant colonel. This he refused for a long time, as it might cause ill feeling among officers of the line. Hastening to his native State, when it most needed him, Colonel Laurens took a gallant part in resisting the British invasion under Prevost, in the siege of Savannah and the defence of Charlestown in 1780. At the fall of the city, he was taken prisoner, but soon exchanged at the instance of Congress, that he might be sent as a special minister to Paris to hasten the promised cooperation of the French. Within six months from December, 1780, when Congress thus commissioned him, he had returned to America with the required assurances of assistance, and the plan of cooperation between the two countries which culminated in Cornwallis's defeat at Yorktown. To hasten the decision of the French monarchy, the diplomatic steps to which were so closely bound with "red tape," it is said that the brilliant and fearless young agent went over the head of the minister at court, violating the elaborate etiquette of Versailles, and appealed directly to the king.\*

"This decisive bearing," says John C. Hamilton, the son of Laurens's most intimate friend Alexander Hamilton, "although it excited great astonishment was followed by the happiest effects. On the succeeding day the ministers contended with each other in their zeal to promote his views, and he returned here in sufficient season to aid us in a most critical posture of our affairs. The money obtained by Laurens was deposited in the Bank of North America and sustained the financial operations of Mr. Morris until the signature of the provisional treaty." Mr. Hamilton tells how, in the storming of the redoubt at Yorktown, Laurens "entered the works among the foremost and made prisoner the commanding officer. As a compliment to his gallantry and in reference to the capture of Yorktown, he with the Viscount De Noailles was appointed a commissioner to settle the terms of the capitulation."

Among their requirements was the release of his father from the Tower of London and his exchange for Cornwallis.

#### THE BAYARD OF AMERICA

While war still desolated his native soil, young Laurens would be near the flashing of the guns to do his manly part, and it was his intrepidity, in defiance of his strict duties as an officer and a soldier, which placed him in the position by which his life was lost to South Carolina, and to the Union.

John Adams writing to Henry Laurens from Paris November 6, 1782, says: "I can say nothing more to you, but that you have much greater reason to say in this case, as a Duke of Ormond said of an Earl of Ossory, 'I would not exchange my son for any living son in the world.'" Even his personal enemies could not withhold their admiration. When in a duel Laurens had shot Gen. Charles Lee, because of his insulting language concerning Washington, the wounded man exclaimed: "How handsomely the young fellow behaved. I

\* Garden's "Anecdotes," upon the authority of William Jackson, secretary of the American Legation at Paris.

could have hugged him." Washington, Hamilton, Lafayette, Greene, Moultrie, "all the master minds of the Revolution, contributed their regrets, and joined in his eulogium, while the voice of lamentation was everywhere loud in the land."

#### EVENTS IN THE UP COUNTRY

General Pickens had been sent the preceding November to guard the frontiers against the Indians. Early in 1782, although General Rutherford and Sevier of North Carolina failed to cooperate, as they had promised, Pickens conducted a successful expedition against the Cherokees killing forty of them, burning thirteen towns and taking many prisoners.

Col. Robert Anderson of Pickens's brigade, with Colonel Clarke of Georgia, dispersed a large body of Loyalists, Cherokees and Creeks who had assembled near the Oconee River to attack and depredate the settlements. This defeat gave the inhabitants of the Piedmont comparative quiet and peace for a few months.

In September, 1782, Pickens, on his own initiative, was authorized by Governor Mathews to break up a gathering of banditti assembled in Wilkes County, Georgia. Col. Thomas Waters had collected there a number of negroes, horses, cattle and other property. Col. Elijah Clarke had joined with Pickens and the entire force of the two leaders numbered 414, including officers. They failed to capture Watson, but killed a few Indians and burned a number of their towns. As a result of this punitive expedition on October 17th a preliminary treaty was entered into by twelve chiefs and 200 Indian warriors on one side and General Pickens and Col. Elijah Clarke on the other. The next year the Cherokee chiefs met the governor of Georgia at Augusta and signed a definitive treaty, the Indians yielding large tracts of land as the price of peace.

Early in the year truces had been agreed upon by Whigs and Loyalists so that crops could be cultivated for the ensuing summer, and as both sides had to eat there was cessation of hostilities in several quarters for two months. Notable among such unusual agreements was that of the Whigs and Tories for a section nearly sixty miles square between the Savannah River and South Edisto. The Tories claimed that the Whigs broke the truce about May 25th, when they attacked a Tory gathering on Dean Swamp, a branch of the South Edisto, near the present Town of Salley, Aiken County. The Whigs drove the Tories into the swamp, but two of their leaders were killed. About this time, Cunningham again appeared in the Ninety-six district, but was met by Capt. William Butler near Bauknight's Ferry and the band of "Bloody Bill" was scattered for good, and he himself was chased by William Butler and narrowly escaped capture and death.

#### MARION'S LAST CLASH-AT-ARMS

While Marion was supposed to be in the neighborhood of Georgetown, one of his parties, composed largely of men who had joined the Americans, under the terms of the governor's proclamation, was attacked by a detachment of British dragoons under Major Fraser, at Wadboo, Berkeley County, on the 29th of August. The enemy intended to make the attack a surprise, but Marion had received word of the attempt and, with his customary rapidity of movement, was ready to receive them with his mixed force. Having carefully approached Wadboo, the British horsemen to the number of about a

hundred, furiously and confidently charged Marion's men. Those who had been formerly under Tory protection realized what their fate would be should they be made prisoners and resisted with coolness and determination, and the troopers were met with such a withering fire that they retired toward Daniel's Island. Marion, however, through the cowardice of the driver, lost his ammunition wagon and was therefore obliged to retreat toward the Santee. This minor affair would scarcely warrant mention, were it not that it was Marion's last recorded engagement with the enemy, though, until the capitulation of Charlestown was assured, he continued his scouting excursions from his camps between the Cooper and Santee rivers.

#### LAST BLOOD LETTING OF THE REVOLUTION

The last blood shed on South Carolina soil during the War of the Revolution was the death of Capt. William Wilmot of Maryland on the 14th of November, 1782. Impatient of inactivity and having a love of adventure, he frequently crossed the river to harass the enemy on James Island. In one of these excursions, undertaken in conjunction with Kosciuszko, the famous Polish exile who had succeeded Colonel Laurens in command of the advanced light troops for confidential services upon the lines, Captain Wilmot fell into an ambush of British woodcutters and with several others was shot and killed.

And now approached the event for which South Carolina had waited for many weary months—the evacuation of Charlestown. It was "officially" begun on the 7th of August and the fleet to carry the Britons home arrived on the 6th of September, but, as in the case of Savannah, the enemy held to any territory once occupied with a bulldog grip.

#### CONDITION OF BOTH ARMIES DESPERATE

Chiefly through the activities of the partisans, the British army of occupation had now been confined to Charlestown, and it was almost impossible to obtain rice and other necessary food-stuffs, either by land or sea. The Americans were encamped in July at Ashley Hall, twelve miles from the coast, but although the situation was healthful, the soldiers were half naked and insufficiently fed, and they were in no condition physically, or as to war-like equipment, to press the campaign against General Leslie and his superior British command. On the other hand, nothing was to be gained by the Britons through a series of sorties into the open country, against the small and mobile bands under Marion and Sumter, whose men, to say nothing of the leaders, knew every swamp, and hill and wood in South Carolina. There could be but one outcome of such a situation—paralysis of action, or stalemate. To the aggravation of inaction, so distasteful to Greene's men, were added the horrors of a widespread and fatal dysentery. Scarcely an officer escaped the pestilence, and deaths were frequent both among the leaders and in the ranks.

The desperate condition of the American army was probably known to its full extent by General Leslie, but such knowledge made the situation of the British no more bearable, and the commander of the army of occupation was forced to make definite preparations to evacuate Charlestown. Pending the arrival of the British fleet which was to convey the enemy overseas, he took various wise measures tending to decrease the population which must be fed from the scant and nearly exhausted stock of provisions in hand. Loyalists, who so

desired, were allowed to leave Charlestown, and if they were known to be "good Americans," the citizens were escorted beyond the British lines as potential, if not actual, spies. Some of the Loyalists who carried with them a great number of plundered slaves, had also been sent to St. Augustine. So that the mouths which the British general had to feed were materially lessened in number.

#### MUTUAL MEASURES OF CONCILIATION

General Leslie also had the good sense, and the kind heart, after he had been convinced that the British cause was hopeless, to not only treat with courtesy the American officers, who were still his enemies, but to cooperate with Governor Mathews in relieving the suffering and discontented American troops, idling away their time almost within sight of Charlestown. With the approval of the British commander, the governor concerted measures with some of the citizens in Charlestown, who wished to be reconciled with their countrymen, for sending out of the British lines necessary clothing for the almost naked continentals. When their distresses had nearly arrived to that point beyond which human nature can bear no more, Joshua Lockwood, under the direction of Governor Mathews, brought out of Charlestown a large quantity of the articles most needed in the American camp, such as clothing, beef and salt.\*

Not to be outdone in measures of conciliation, the South Carolina government, now in active operation at its temporary capital, Jacksonborough, announced a free pardon to all royalists, with full protection to life and property, provided that they delivered up their plunder, the king of Great Britain be adjured and the laws made by the home parliament be obeyed. To those who were not disposed to accept these terms of reconciliation, was given the alternative of going within the British lines and carrying off or selling their property.

During the occupation of Charlestown by the British, many merchants had arrived from England and established large business interests in the capital. Should they leave the field of their labors and accumulations with the departure of the garrison, and abandon all their interests thus abruptly, bankruptcy seemed their certain lot. "Those of their debtors who were without the lines were not subject to British jurisdiction; those who were within were unable to pay." A delegation of merchants therefore waited on Governor Mathews, and obtained from him permission to reside in South Carolina for eighteen months after the evacuation, with the liberty of disposing of their stock of goods on hand and of collecting the debts already due them. Subsequently that indulgence was extended. Thus both sides to the unfortunate conflict were inclined to do everything possible to alleviate the inevitable sufferings incident to warfare.

#### BRITISH SEIZURE OF SLAVES

But Governor Mathews and his government could be stern, when the occasion demanded other than lenient measures. As the evacuation drew near, the people of South Carolina began to be fearful for the safety of their most valuable property, their slaves, several thousand of whom were prisoners within the British lines. General Leslie formally announced on the 7th of August that the evacuation would soon begin, and as this danger of the wholesale theft of slaves owned by the home people, but claimed by the enemy as spoils of war, be-

\* Ramsay's "History of South Carolina."

came more and more apparent, Governor Mathews thought best to write to the British commander that "if the property of the citizens of South Carolina was carried off by the British army, he should seize on the debts due to the British merchants, and to the confiscated estates, as well as the claims on these estates by marriage settlements, which three articles were not included in the Confiscation Act." This well-delivered threat brought about an agreement, on the part of the British, that the slaves seized from South Carolinians should be returned to their owners, and that those who had escaped should not be punished; and, on the part of the State, that no further confiscation of loyalist property should occur, and that where it had taken place those who claimed ownership should have the liberty of testing their title in the courts, like citizens in good standing.

To carry out the provisions in regard to the delivery of the negroes to their rightful owners two commissioners were named, Thomas Ferguson and Thomas Waring by the State Government, who were to cooperate with Messrs. Blake and Saunders in the city. These last two waited upon General Leslie in order that they might be permitted to make a thorough examination of the British lines and fleet in their search for slave property. Ramsay has this to say of the fiasco which followed: "Edward Blake and Roger Parker Saunders having waited on General Leslie, were permitted to examine the fleet bound to St. Augustine, but were not suffered to examine any vessel which bore the king's pennant. Instead of an examination, the word of the commanding officer to restore all the slaves that were on board, in violation of the compact, was offered as an equivalent. In their search of the fleet bound to St. Augustine they found and claimed 136 negroes; but when they attended to receive them, no more than seventy-three were landed for delivery. Upon their demand for the remainder, they were informed by General Leslie that no negroes would be delivered till three soldiers that had been taken by a party of General Greene's army were restored."

The prospects of gain from the sale of plundered negroes were too seductive to be resisted by the officers, privates and followers of the British army. On their departure from Charlestown upwards of eight hundred slaves, who had been employed in the engineering department, were shipped off for the West Indies. It was said and believed, that these were taken by the direction and sold for the benefit of Lieutenant Colonel Moncrieff. The slaves carried off by the chief engineer were but a small part of the whole taken away at the evacuation, but their number is very inconsiderable when compared with the thousands that were lost from the first to the last of the war.

#### LENIENT TREATMENT OF ROYALISTS

The royal fleet, destined to return the British army of occupation to the mother country, had arrived before Charlestown on the 6th of September, and both before and after that date, until the debarkation actually took place, on December 14th, the British military authorities and the civil government of South Carolina were endeavoring to adjust their respective affairs so that both could reach a working basis which should not be oppressive to either. The royalists were treated by the South Carolina leaders with great leniency, and they did not attempt to hide their gratification at the advent of peace.

A study of the South Carolina statutes at large, by McCrady, shows that in 1783 the provisions of the Confiscation Act were so modified that seventy-seven persons who had been banished by it were



allowed to return upon certain conditions, and the sale<sup>\*</sup> of their estates was suspended. The next year another act was passed by which the estates of sixty-two were taken off the confiscation list and amerced; thirty more were entirely released and the persons whose estates had been sold were indemnified. The names of thirty-three others were taken off the confiscation list and amerced, but were disqualified from holding any office of trust for a term of seven years.

#### CHARLESTOWN REGAINED

And now the happy day was come when the British flag was to be hauled down forever from the forts and bastions of Charlestown, and in a few hours the last vessel in the big fleet "that wore the king's pennant" was to sink on the horizon.

Having leveled the walls of Charlestown and Fort Johnson, recently constructed, as well as performed the more friendly acts of conciliation already noted, General Leslie completed his preparations for sailing and communicated with General Greene as to the formal steps to be taken to ensure safety to his troops as well as the town itself. The two commanders-in-chief therefore entered into an agreement to the effect that as the rear guard of the British forces retired, the Americans should take possession of Charlestown; that both the retiring enemy and the town which was being evacuated should be immune from attack.

In pursuance of this agreement (following Johnson's "Life of Greene," and McCrady) General Wayne was ordered, on the 13th of December, to cross Ashley River at what is now known as Bee's Ferry, with a corps of 300 light infantry under the command of Major Hamilton, 80 of Lee's cavalry and 20 artillery, with two six-pounders, and to move down toward the British lines, which were near Belvidere farm (now the Country Club of Charleston), north of Magnolia Cemetery.

There General Leslie sent word to General Wayne that he would leave the advanced works at the firing of the morning gun the next day; at which time the American commander should move on slowly and take possession, and thence follow the British into town, at a distance of about 200 yards. This plan was carried out to the letter, the British line of march, after leaving the redoubts, being down King Street road, through Charlestown, to Gadsden wharf, at the foot of what is now Calhoun Street. There was perfect order though the progress was necessarily slow, and so the march of three miles occupied about four hours, and it was about 11 o'clock A. M. of the 14th (December) when the American troops finally took post at the State House, corner of Meeting and Broad streets.

The mutilated statue of William Pitt \* (a British cannon-ball from James Island had carried away its right arm in April, 1780) still remained on its pedestal this festal day; General Wayne and the American troops halted under its shadow, while General Greene, Governor Mathews and Council moved past it, "greeted with smiles and tears."

The gallant Gen. William Moultrie, who had been a prisoner of war since the capture of Charlestown, was now a paroled man, and a delighted witness of the British evacuation. To his "Memoirs" the historian turns for the most detailed and graphic story of the historic event. At 3 o'clock P. M. General Greene conducted Governor Mathews and the Council, with some other citizens, into the town. The procession purported to represent the military and civil interests of the

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\* D. E. Huger Smith: "Wilton's Statue of Pitt."

State. First came an advance guard of Lee's dragoons with their commander; then Governor Mathews, followed by Generals Greene, Moultrie and Gist; next the council, citizens and a body of other officers, with a vanguard of cavalry. The party halted in Broad Street, opposite where the Charlestown Library now stands, and the cavalry (150 horsemen) were dismissed to their quarters.

"It was," says Moultrie, "a grand and pleasing sight to see the enemy's fleet (upwards of 300 sail) lying at anchor from Fort Johnson to Five-Fathom Hole, in a curved line; and, what made it more agreeable, they were ready to depart from the port. The great joy that was felt on this day by the citizens and the soldiers was inexpressible. The widows and orphans, the aged men and others who, from their particular situations, were obliged to remain in town, many of them cooped up in one room of their own elegant houses for upwards of two years, while the other parts were occupied by British officers not a few of whom were rude and uncivil, were now released from mortifying situations which must have been truly distressing.

"I cannot forget,"—adds the hero of Fort Moultrie, whose guns ante-dated the Declaration of Independence, "the happy day when we marched into Charlestown with the American troops. It was a proud day for me, and I felt myself much elated at seeing the balconies, the doors and windows crowded with patriotic fair, the aged citizens and others congratulating us on our return home, saying 'God bless you, gentlemen! You are welcome home, gentlemen!' Both citizens and soldiers shed mutual tears of joy."

Col. Peter Horry, of Marion's Brigade, who accompanied the advance corps into Charlestown, is even more fervent in his description of the peace and evacuation festivities, as edited by Parson Weems, than General Moultrie. "On the memorable 14th of December, 1782, we entered and took possession of our capital, after it had been two years, seven months and two days in the hands of the enemy. The style of our entry was quite novel and romantic. On condition of not being molested while embarking, the British officers had offered to leave the town unhurt. Accordingly, at the firing of a signal gun in the morning, as agreed on, they quitted the advance works near the town gate, while the Americans, moving on close in the rear, followed them all along through the city down to the water's edge, where they embarked aboard their three hundred ships, which, moored out in the bay in the shape of an immense half moon, presented a most magnificent appearance.

"The morning was as lovely as pure winter air and cloudless sunbeams could render it, but rendered far lovelier still by our procession, if I may so call it, which was well calculated to awaken the most pleasurable feeling. In front were the humble remains of that proud army which, one and thirty months ago captured our city, and thence, in the drunkenness of victory, had hurled menaces and cruelties disgraceful to the British name. And close in the rear was our band of patriots, bending forward with martial music and flying colors, to play the last joyful act in the drama of their country's deliverance; to proclaim liberty to the captive; to recall the smile on the cheek of sorrow and to make the heart of the widow leap for joy. Oh! it was a day of jubilee indeed; a day of rejoicing never to be forgotten."

#### THE SLIGHTING OF THE PARTISANS

In the midst of all this rejoicing, and the conferring of honors upon the soldiers of South Carolina, the historians of the State make record



#### THE HISTORIC BREWTON—ALSTON—PRINGLE HOUSE

What is known as the Bull-Pringle House, on King Street, Charleston, was built by Miles Brewton, the wealthy merchant and man of public affairs, soon after 1765. It was a famous house of entertainment, while Mr. Brewton occupied it and afterward, and all the notable visitors who came to Charleston enjoyed the hospitality of its hosts—Josiah Quincy, Lord William Campbell, Washington and others. About the time of the outbreak of the Revolution Mr. Brewton and his family left the province and were lost at sea. In the division of his estate, his house went to one of his sisters, Mrs. Jacob Motte. It afterward passed to Col. William Alston, who served under Marion and was one of Carolina's wealthiest planters. There Washington and other notables visited him. Colonel Alston's eldest daughter married Robert T. Hayne. He died in 1839 in his eighty-third year and the historic house was inherited by his youngest daughter, who had married William Bull Pringle.

of one most regrettable circumstance—the absence of Marion, Sumter, Pickens and the other brave and self-sacrificing partisans, without whose gallant and persistent services the war would never have been won by the little American army, the entire continental strength of which, at the close of the Revolution, did not equal the British army of occupation which evacuated Charlestown on the 14th of December, 1782.

As was indignantly stated in Russell's Magazine (Vol. IV, p. 128): "The British evacuated Charlestown. The American Regular Army entered it in triumph; but our poor partisans were thought too irregular, too ragged of raiment to share this triumph! They were not too ragged to fight, only too ragged for show. It was a most ungenerous and ungrateful exclusion from the scene of the very men to whom the best part of the grand result was due! They were disbanded here and there in swamp and thicket, wherever the moment found them; disbanded without pay or praise, naked, starving, having the world before them, but losing from that moment all their customary guides but Providence!"

Or, as this matter of apparent injustice was put by McCrady: "When he (Greene) made triumphant entry into the city upon its evacuation by the British, no State officer had been called upon to be present, though Marion and all his officers were within easy reach; nor was Wade Hampton—who, the year before, had cut his way to the very gates of the town—beyond call. The only officer of South Carolina whom he allowed to accompany him was Moultrie, who was in the Continental line and who, however brilliant had been his career in the earlier days of the war, had been a prisoner during the occupation of the city by the British, and thus had nothing to do with the recovery of the State. The grand entry of the recovered town was made by General Wayne and his mutinous troops from Pennsylvania, who had fought no battle in South Carolina."

The real winners of the war for South Carolina, who had fought and suffered, had cause to be deeply offended by this lack of recognition, not to call it humiliation, shown by the regulars toward them not only in the evacuation affair, but in the proceedings of the Jacksonborough Assembly. Although the partisan warriors were also leaders in that body when their good fight was won, they were too manly to advertise their brave deeds, and the Assembly appears to have given them only "damning faint praise."

A carefully prepared table appears in the appendix to McCrady's "South Carolina in the Revolution," 1780-1783—the last of the series of that eminent historian's truly monumental work. That table clearly indicates that in the first two years of the war (1775-1776), there were nine battles in South Carolina (including the great victory of Fort Moultrie) in which none but North and South Carolinians participated and in which only South Carolina blood was shed. In the other eight, South Carolinians fought alone. For three years thereafter there were no military operations in South Carolina. In 1779, when the war was transferred to the southern field, there were nine engagements in the Palmetto State, in which only South Carolina continentals and the State militia were engaged. In 1780, there were thirty-four engagements in the State, in eight of which continental troops had taken part and in the remaining twenty-six only partisan bands. From the advent of Greene to the end of the war, 1781-82, eighty-three battles were fought. In these, the continentals from other southern states under Greene participated in nine; South Carolinians joined them in ten en-

gements, and sixty-four were fought by the soldiers of South Carolina alone. To recapitulate, of the 137 battles, actions and engagements of the Revolutionary war fought in South Carolina, 103 were by South Carolinians alone; in twenty others, South Carolinians took part with troops from other states, making 123 battles in which South Carolinians fought for the liberation of America within the borders of their State; leaving but fourteen in which troops from other states fought in South Carolina without the assistance of her soldiers. It would certainly seem that the home troops merited the most distinguished "place in the picture" in celebrating the evacuation of Charlestown by the British army and its occupation by the American troops.

#### EXTENT OF CHARLESTOWN EVACUATION

On the 13th and 14th of December, 1782, more than 9,000 civilians and slaves, with the British soldiery, slowly embarked from Gadsden's Wharf, aboard 300 sail of ships, for widely separated sections of the earth. Their destinations are thus indicated, the figures of the exodus having been preserved among the manuscripts of the Massachusetts Historical Society; the men, women and children enumerated in the first three columns represent the white emigrants—altogether, 3,794, as against 5,333 blacks:

DESTINATION	MEN	WOMEN	CHILDREN	BLACKS	TOTAL
Jamaica .....	600	300	378	2,613	3,891
East Florida.....	630	306	337	1,653	2,926
West Florida.....	166	57	119	558	900
England .....	137	74	63	56	330
Halifax .....	163	133	121	53	470
New York .....	100	40	50	50	240
St. Lucia .....	20	...	...	350	370
Total .....	1,816	910	1,068	5,333	9,127

"To these," says McCrady, "are to be added the negro slaves which the British had attached to their army, eight hundred of whom were said to have been carried off by Colonel Moncrief, making a total loss of population to the State by this exodus of probably ten thousand.

"One of the most striking incidents of the evacuation was the astonishing number of deserters left behind. The author of the 'Life of Greene' (William Johnson) states that he had in his possession the names of 350 who reported themselves during the year 1782, but this was whilst it was necessary to surrender themselves to the army. After the evacuation, as such report was unnecessary, none was made. Hundreds made their appearance from cellars and chimneys as soon as it could be done with safety. Not a Hessian went back, but under compulsion; and even of the other troops few appeared disposed to adhere to their colors but those who had previously deserted from the American standard or enlisted in the country."

#### PROTEST QUARTERING OF FOREIGN CONTINENTALS

The wholesale exodus of British soldiers, civilians and slaves from South Carolina, which marked the closing of the war activities as they affected the southern theater, left the great bulk of America's continental army quartered on the soil of the State. As most of the soldiers of the regular army had arrived when the war was virtually

won, mainly through the stubborn resistance and active campaigning of the partisans and the home patriots generally, the State which had already borne far more than its share of Revolutionary burdens commenced to rebel at the imposition of additional and unjust exactions. This general feeling of dissatisfaction against the quartering of foreign continental troops upon the people of South Carolina, as a buffer against the possible advance of the British at St. Augustine, through Georgia, was aggravated by the fact that through the exertions of General Greene, in co-operation with Maj. Robert Forsyth, deputy commissary for the Southern Department and a professional army contractor named Banks, that part of the army which had not borne the brunt of the warfare had become warmly clad and more comfortably fed. Thus the British merchants, who had been allowed to remain in Charlestown on the promise of the State that they would be allowed to recoup their financial reverses, were shelved in favor of those who, from outward appearances, seemed to be speculating on the outcome of the war. Banks finally failed to carry out his contracts to supply the army with food, General Greene guaranteed his debts and died before the complications were straightened out. These Banks-Morris-Greene transactions are not to the credit of the commander-in-chief and others than McCrady have gone so far as to charge him with profiteering. It should not be forgotten, however, that subsequent acts of Congress exonerated Greene.

It was during the last of Governor Mathews' administration that these disagreeable controversies arose between General Greene, the citizens of South Carolina and the British merchants of Charlestown. When the General Assembly met in January, 1783, the governor not only made no reference to these matters but expressed the most kindly sentiments toward General Greene and the army as a whole. At the same time, the general had been notified that no more impressments for beef and other foodstuffs would be allowed. The governor handled the general with silk gloves, but at the same time the gloves covered firm and strong hands.

The army was unquestionably in need of food. Advertisements had been circulating calling for bids, but none were forthcoming but the offers of Banks & Company, and that precious firm would not undertake the contract at the prescribed prices. Eventually Colonel Carrington, subsistence officer of the army, was forced to close with Banks, who thus became clothier as well as feeder of the army.

The new Legislature which convened in January, 1783, made provision for the army and presented General Greene with Boone's Barony, an Edisto plantation and a gang of slaves. It then elected as governor Benjamin Guerard, whose generosity to the Philadelphia exiles, of whom he had been one, had so endeared him to all South Carolina patriots and especially his fellow sufferers on the prison ship Pack Horse. During the same month that the General Assembly convened, came Washington's order for the disbanding of the American army, but it was not until July that Charlestown was entirely freed of Greene's continentals. For many years thereafter military matters in the State were to yield place to those of a civil nature.

#### SOME SOUTH CAROLINA LOYALISTS AND WHIGS WHO "ACCEPTED THE SITUATION"

The World War and closer military association with our "kin beyond sea" and the ameliorating effects of time and a truer sense of historical values have persuaded the bulk of unprejudiced American

readers that we must largely reconstruct our opinions as to the British soldier and the American Loyalist, or "Tory," in the Revolution. The great South Carolina lawyer Petigru was eternally right: "It is not true," said he, as early as 1858, "that all the virtue of the country was in the Whig camp, or that the Tories were a horde of ruffians. They were conservative, and their error was in carrying to excess the sentiment of loyalty which is founded in virtue. Their constancy embittered the contest, but did not provoke it. Their cause deserved to fail; but their sufferings are entitled to respect." He might have particularized and mentioned the name of Lieutenant Governor Bull who had the respect and esteem of all South Carolina, or of that other eminent Loyalist, William Wragg of Charlestown, the first American to be honored with a tablet in Westminster Abbey.

In accord with this idea it has been thought well to republish here (verbatim, from the Statutes at Large of South Carolina, Vol. VI), the six lists of Loyalists, Neutrals and of Whigs who "accepted the situation" and who fell under the provisions of the Confiscation and Amercement Acts:

#### NAMES MENTIONED IN THE CONFISCATION ACT. VOL. 4, 516

##### List No. 1

A	E
Adam, Thomas, devisees or heirs of.	Eycott —, devisees or heirs of.
B	F
Boone, Thomas. Brice, Fisher, Linwood & Co. Bailey, John. Bremar, John. Bull, Fenwicke, devisees or heirs of. Burn, John, devisees or heirs of. Baker, William, Sir, devisees or heirs of. Balmer, Captain, devisees or heirs of. Brown, Thomas, Col.	Fullalove, Thomas.
C	G
Colleton, Mrs., devisees or heirs of. Campbell, Colin. Crockatt, Doctor, devisees or heirs of.	Gibb, Doctor, devisees or heirs of. Greenwood & Higginson. Gibbons, Thomas.
D	H
Dean, Robert, devisees or heirs of. Dee, Brailford, Hodges & Sands. Douglass, Samuel.	Holmes, Robert. Hartley Handasyd Peter Roger, devisees or heirs of. Hill, Richard, devisees or heirs of. Hume, John, devisees or heirs of. Hammerton, John, devisees or heirs of. Hunter, George, devisees or heirs of. Hall, Nathaniel.
D	I
	Irvine, Lt. Governor.
D	K
	Knott, Jeremiah, devisees or heirs of. Kincaid, George.

## L

Lambton, Richard, devisees or heirs of.  
Lorrimore, Charles, Rev.

## M

Montague, Greville Charles, Lord.  
Maine, Charles, devisees or heirs of.  
Mansell, Walter.  
Murray, John (of Phillippaugh).  
Michie, James, devisees or heirs of.  
McCay, Patrick, heirs of.

## N

Nisbett, John, Sir, devisees or heirs of.

## O

Ord, Captain, of the British Navy.  
Ogilvie, George.  
Ogilvie, William.  
Osmond, devisees or heirs of.  
Owners of the lott, the corner of Broad-street and Gadsden's alley.

## P

Phillips, Ralph.

## R

Rugeley, Rowland, devisees or heirs of.  
Reeves, Henry.  
Raper, Robert, devisees or heirs of.  
Robert's Barony, proprietors of.

## S

Savage, John.  
Simpson, John (of Georgia).  
Simond, Peter.  
Stuart, John, devisees or heirs of.  
Saxby, George.

## T

Thorps' Barony, proprietors of.  
Taylor, Peter.

## W

Wright, Charles.  
Wright, Jermyn.  
Wells, Robert.  
Wright, James, Sir.  
Wilson, Lieutenant, of the British Army.  
Williman, Christopher.

## List No. 2

## A

Ancrum, William.

## B

Baker, Benjamin, Captain, devisees or heirs of.  
Burt, William.  
Buckle, Thomas, Sen.  
Bruce, David.  
Buckle, Thomas, Jun.  
Brown, Archibald.  
Beard, Robert.

## C

Cook, James, Capt.  
Chalmers, Gilbert.  
Cameron, William (cooper).

## D

Dupont, Gideon, Jun.  
Dennis, Richard.  
Duncan, James (blacksmith).  
Downes, Arthur.

## E

Eustace, Thomas.  
Elfe, Thomas.

## F

Fitzsimmons, Christopher.  
Fisher, John (cabinet maker).

## G

Gibbes, Walter John.



H	P
Hambleton, Paul, Sen.	Peice, Hopkin, devisees or heirs of.
Holmes, Joel.	Petrie, Edmund.
Hare, Edward.	
Hartz, John.	R
Harvey, Alexander.	Russell, William.
	S
L	Savage, Jeremiah.
Legge, Edward, Jun.	Saylor, David.
Loocock, Aaron.	
	V
M	Valentine, William.
McBeth, Alex.	W
McKimmey, William.	Wells, John, Jun.
McKie, James.	Wagner, John.
	Ward, John (taylor).
N	Winstantly, Thomas.
Nisbett, William.	

## List No. 3

A	L
Athine, Charles.	Lindsay, Robert.
	M
C	McKenzie, Andrew.
Cooke, George.	
	P
D	Phepoe, Thomas.
Davis, John.	Philp, Robert.
	R
G	Rugge, James.
Greenwood, William.	Rose, John.
Glen, William.	Rose, Hugh, Dr.
	Reid, Andrew.
H	
Hopton, John.	S
	Smyth, John.
I	
Inglis, Alexander.	T
	Tunno, John.
J	
Johnston, Robert.	V
	Valk, Jacob.
K	
Kingsley, Zephaniah.	

<p style="text-align: center;">W</p> <p>Wragg, John (Broad-st.). Wayne, Richard.</p>	<p>Williams, Robert. Wilson, Robert, Dr. Wright, Alexander.</p>
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## List No. 4

<p style="text-align: center;">B</p> <p>Brisbane, James.</p> <p style="text-align: center;">C</p> <p>Cooper, Bazil. Carne, Samuel. Cletherall, James, Dr.</p> <p style="text-align: center;">D</p> <p>Deveaux, Jacob.</p> <p style="text-align: center;">F</p> <p>Fenwicke, Edward.</p> <p style="text-align: center;">G</p> <p>Glenn, John. Garden, Alex., Dr.</p>	<p style="text-align: center;">H</p> <p>Hinde, Patrick.</p> <p style="text-align: center;">J</p> <p>Johnston, Charles.</p> <p style="text-align: center;">P</p> <p>Peroneau, Robert.</p> <p style="text-align: center;">R</p> <p>Rose, Alexander.</p> <p style="text-align: center;">S</p> <p>Scott, John (son of Jona).</p>
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## List No. 5

<p style="text-align: center;">A</p> <p>Ash, Richard (of Beaufort). Adamson, John. Anderson, Captain (of Thicketty Creek).</p> <p style="text-align: center;">B</p> <p>Ball, Elias (of Wambaw). Ball, Elias (of Comingtee). Ballingall, Robert. Brown, Malcolm. Bosseau, James. Brockington, John, Jun. Blair, Robert. Belton, Jonathan. Brown, Hugh.</p> <p style="text-align: center;">C</p> <p>Cape, Brian. Cunningham, Robert. Cassels, James (Georgetown). Capers, Gabriel. Cunningham, Patrick. Carey, James.</p>	<p>Cunningham, William. Cunningham, Andrew (of 96). Clary, Daniel (of 96). Commandes, Thomas, Capt.</p> <p style="text-align: center;">D</p> <p>Deveaux, Andrew, Jun. Dorrell, William. Dawkins, George. Downey, Jno. (Camden district).</p> <p style="text-align: center;">E</p> <p>English, Robert.</p> <p style="text-align: center;">F</p> <p>Fisher, John (of Orangeburg). Fenwicke, Thomas. Fraser, James, Dr. Fletcher, Thomas, Col. Floyd, Matthew. Fanning, John. Foissin, Elias. Ferguson, Henry. Fardo, Geo., Jun. Fyffe, Charles, Dr.</p>
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## G

Gaillard, Theodore.  
Gordon, James (of Georgetown).  
Gaillard, John.  
Gibbes, Zachariah.  
Gray, Robert.  
Guest, William (of Tyger River).

## L

Legge, Benjamin.

## M

McKenzie, Robt., Col.  
Mills, Henry Wm.  
Mitchell, Jno., devisees or heirs of.  
McGillory, Wm., Capt.

## N

Neilie, Christopher.

## O

O'Neil, Henry.  
Ogilvie, Charles.

## P

Porcher, Philip.

## R

Rees, William.  
Rees, Benjamin.  
Rhems, Joseph.  
Rugeley, Henry.  
Rowe, Samuel.  
Robinson, Joseph.

## S

Smyth, James.  
Seabrook, Joseph, Jun.  
Stevens, William (of Saludy).

## T

Turner, David.

## V

Valentine, Wm. (of Camden District).

## W

Wigfall, John.  
Wofford, Benjamin.

## Y

Yarbrough, Dandridge James,  
Capt.

## List No. 6

## B

Buckingham, Elias.  
Black, Joseph.

## C

Cunningham, John (of 96).

## E

Elfe, William.

## G

Gregory, Benjamin.  
Grierson, George (Waxsaws).  
Geiger, Jacob.

## H

Hibben, Andrew.

Holmes, James, devisees or heirs of.

## K

King, Richard, Col.  
Kirkland, Moses.

## L

Linder, John, Jun.  
Lynah, James, Dr.

## M

Muckle, Murray Patrick.  
Musgrove, John, devisees or heirs of.

## P

Pendarvais, Richard, devisees or heirs of.  
Plumber, Daniel.

## List No. 7

D	L
Deveaux, Andrew, Sen.	Linder, John, Sen.
E	M
Ellis, Edmund.	Murrell, Robert Porter.
F	S
Friday, David.	Spence, Peter, Dr.
G	W
Guerard, David.	Willard, John.
H	Williamson, Andrew.
Harrison, Nathaniel.	Wilson, John (Georgetown).
J	Z
Julin, George (New Acquisition).	Zubly, Joachim John.

## LIST OF THE NAMES ALLUDED TO IN THE ACT FOR AMERCING CERTAIN PERSONS

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A	H
Allison, Robert.	Horry, Daniel.
B	Harleston, John, Col.
Blake, William.	Hanahan, William.
Blankinborn, Henry.	J
Bentham, James.	Jenkins, Joseph, Col., Edisto.
C	K
Clark, James, Edisto.	Kinloch, Cleland.
Campbell, McCartin.	Kerr, John, in Savannah.
Chisolme, Alexander.	L
Carter, Stephen.	Legge, Edward, Sen.
Corbet, Thomas.	Laroche, John, Capt., Wadmelow.
Carey, Nathaniel.	Lance, Lambert.
D	M
Delyon, Isaac.	Meggott, William.
Deas, John, for himself and Wm.	Matthews, Benjamin.
Chisolme's estate.	Matthews, William.
Delahowe, John, Dr.	Moore, Isham.
Doughty, William.	Muncrief, Richard, Jun.
F	
Freer, John.	
G	
Garden, Benjamin.	

O	Sabb, William. Scott, Jonathan. Sams, William. Seabrook, Joseph, Sen. Stukes, William. Steward, Charles Augustus.
Owen, John, Fishing Creek.	
P	
Pinckney, Charles, Sen. Price, William.	T
R	Tobler, John, Capt. Tobler, William, Capt.
Rippon, Isaac, Wadmelaw. Ratliff, Thomas, Jun.	W
S	Wyley, Alexander. Webb, John. Wells, John, Dr.
Simons, Maurice.	

A LIST OF PERSONS OF THE CONFISCATION BILL, WHO HAVE PETITIONED, AND WHOSE CASES HAVE BEEN FAVORABLY DETERMINED IN THE SENATE: AND OTHERS WHO HAVE BEEN FAVORABLY REPORTED ON IN THE HOUSE OF THE REPRESENTATIVES.

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Andrew Reid, heirs and devisees of, John Walter Gibbs, Jacob Deveaux, Charles Johnston, Robert Wilson, William Henry McGilvery, Alexander Rose, John Glen, William Ancrum, Patrick Hines, Christopher Williman, Arthur Downs, David Saylor, Robert Perroneau, John Gaillard, Baker Linwood & Co., Richard Wayne, Edmond Ellis, Robert Raper, heirs and devisees of, Peter Taylor, James Lynah, Doctor, William Dorrill, Thomas Buckle, Edward Hare, John Scott, Gilbert Chalmers, Daniel Clarey, John Musgrove, heirs and devisees of,	John Mitchell, except such part of the estate as may descend to his daughter, who married Campbell, a British officer. Robert Lindsay, James Duncan, Robert Murrell, Edward Legge, Jun., Aaron Loocock, David Guerard, Sir John Nisbett, heirs and devisees of, John Adamson, Edmund Petrie, John Hartz, Philip Porcher, George Cooke, James Cook, Henry Rugeley, Henry Perroneau, Thomas Eustace, Andrew Hibben, Robert Holmes, Andrew Williamson, James Smyth, Joseph Seabrook, Doctor Charles Fyfe, James Gordon, John Wigfall, Elias Buckingham, Benjamin Reese,
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William Reese,  
John George Fardo,  
Paul Hamilton,  
Thomas Gibbons,  
William Nesbitt,  
John Wagner,  
Thomas Elfe,  
William Cameron (cooper),  
Mark Walkman,

John Ward (taylor),  
David Bruce,  
Benjamin Baker's estate,  
William McKimmy,  
The heirs and devisees of James  
Michie,  
John Wragg,  
Gabriel Capers.

LIST NUMBER ONE, OF PERSONS WHO ARE TAKEN OFF THE CON-  
FISCATION LIST, AND ARE NOW AMERCED TWELVE PER CENT.

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Ancrum, William,  
Buckle, Sen. Thomas,  
Buckle, Jun. Thomas,  
Baker, Benjamin, representatives  
of,  
Bonsall, Samuel,  
Beard, Robert,  
Brit, William,  
Blair, Robert,  
Buckingham, Elias, representa-  
tives of,  
Brice, Fisher, Linwood, & Co.  
Bailey, John,  
Baker, William, Sir,  
Colleton, estate of, or James Col-  
leton,  
Chalmers, Gilbert,  
Cameron, William,  
Cooke, George,  
Cunningham, John,  
Cooper, Robert, petitioned by his  
attorneys,  
Cooke, James, petitioned by his  
wife,  
Downes, Arthur,  
Duncan, James,  
Devaux, Sen. Andrew,  
Devaux, Jacob,  
Thomas,  
Ellis, Edmund,  
Fisher, John, cabinet maker,  
Fyff, Charles, Dr.,  
Friday, David,  
Foissin, Elias,  
Glen, Sen. William,  
Glen, John,

Garden, Alexander,  
Guerard, David,  
Gibbs, John Walter,  
Holmes, Joel,  
Hare, Edward,  
Hamilton, Paul,  
Hartley, Roger Peter, representa-  
tives of,  
Hibben, Andrew,  
Inglis, Alexander, petitioned by  
his wife,  
Johnston, Charles,  
Lindsay, Robert,  
McKimmie, William,  
Mckie, James,  
McIntosh, Locklin,  
Murrell, Robert P.,  
Macbeth, Alexander,  
Mckensie, Andrew,  
Murray, Muckle Patrick,  
Peronneau, Henry,  
Peronneau, Robert, representative  
of,  
Philip, Robert, representatives of,  
Russell, William,  
Rowand, Robert, petitioned by his  
wife,  
Savage, Jeremiah,  
Sailor, David,  
Valentine, William,  
Wagner, John,  
Wragg, John,  
Wilson, Robert,  
Wyat, John,  
Winstantly, Thomas,

LIST NUMBER TWO, OF PERSONS WHO ARE TAKEN OFF OF THE  
CONFISCATION LIST

Burn, John, representative of,  
Bruce, David, representatives of,  
Debrahm, William Gerrard,

Duncan, George, representatives  
of,  
Dennis, Richard,

Eustace, Thomas,  
 Gibbons, Thomas,  
 Gregory, Benjamin, representa-  
 tives of,  
 Hinds, Patrick,  
 Hartz, John,  
 Loocock, Aaron,  
 Lynah, James,  
 Mitchell, John, representatives of,  
 McGilvery, William Henry, rep-  
 resentatives,  
 Musgrove, John, the heirs of,  
 Michie, James, heirs,  
 Neisbett, John, Sir, heirs of,

Nisbett, William,  
 Philips, Robert, heirs of,  
 Petrie, Edmund,  
 Reed, Andrew, heirs of,  
 Rose, Alexander,  
 Rose, Doctor,  
 Raper, Robert, representatives of,  
 Savage, John,  
 Scott, John, son of Jonathan,  
 Taylor, Peter,  
 Ward, John, (Taylor)  
 Walkman, Mark,  
 Willeman, Charistopher,

LIST NUMBER THREE, OF PERSONS WHO ARE TAKEN OFF OF THE  
 CONFISCATION LIST, AND ARE NOW AMERCED TWELVE  
 PER CENT, AND WHO ARE DISQUALIFIED

Adamson, John,  
 Ash, Richard Russell,  
 Ball, Jun., Elias, Comingtee,  
 Belton, Jonathan,  
 Brown, Archibald,  
 Brown, Hugh,  
 Buckingham, Elias,  
 Cape, Brian,  
 Capers, Gabriel,  
 Clarey, Daniel,  
 Cletherall, James,  
 Cunningham, Patrick,  
 Dorrill, William,  
 Fardo, John George,  
 Galliard, John,  
 Galliard, Theodore,  
 Geiger, John Jacob,

Gordon, James,  
 Holmes, Robert,  
 Legge, Jun., Edward,  
 Phillips, James,  
 Porcher, Philip,  
 Rees, William,  
 Rees, Benjamin,  
 Roupell, George,  
 Rowe, Samuel,  
 Rugely, Henry,  
 Seabrook, Jun., Joseph,  
 Smyth, John,  
 Smyth, James,  
 Wayne, Richard,  
 Wigfall, John,  
 Williamson, Andrew,

## CHAPTER XXX

### WHO WON THE WAR?

Ever since the close of the Revolutionary war, the question which heads this chapter has been discussed, and it has not been definitely settled up to this writing, because, as in the case of the World war, it cannot be answered in favor of any one element or military faction. The democratic leaders of the home army; those who wrestled with the foe over every square foot of South Carolina's soil; especially the elastic and daring partisans who repeatedly thrust themselves to the very gates of Charlestown, when Greene's special army was inactive or in hiding—Sumter and Marion, Pickens and Hampton, with Light Horse Harry Lee and Col. Peter Horry, as somewhat lesser figures, had good cause to feel that they had borne the fiercest heat and stress of the conflict and should not be relegated to the rear of the educated, scientific and largely theoretical soldiers. They had no set rules of military operations. Their campaigns were conceived on the spur of the moment, being adapted to circumstances as they arose. But in one particular they all moved as one man—when they saw a British head or horse, their sole ambition was to get it out of their way so that it would make no trouble to those who should come after them.

Although the partisans usually accomplished the purpose of their movements, General Greene and those who were associated with him as professional soldiers, educated and trained in the approved science of warfare then in vogue, looked with contempt upon the eccentric movements of these citizen soldiers and rough riders; and the rough, gruff soldiers reciprocated that sentiment by scorning the assumption of superiority and the set rules of the professionals, which could be so accurately gauged by the regulars of the British army. Notwithstanding this constant friction, it is probable that both factions went too far in their harsh judgment of each other, and that it was even necessary to have the solidifying and generally directing mind of a General Greene to co-ordinate the widely separated and unrelated movements of a Marion and a Sumter, to the end of first driving the British into Charlestown and then of cutting off their supplies by land and by sea. If there was a difference in degree of contempt for the showy and scientific soldier among the three great partisans, Sumter, Marion and Pickens, the first named was in the superlative; and General Greene heartily reciprocated by venting the fiercest heat of his animosity upon Sumter.

To the plea that the partisans really needed a co-ordinating head in order to form an effective military machine, their special pleaders point to the time after Gates' defeat at Camden, and the occupation of Charlestown by the enemy, the sailing away of the French fleet of relief, when the future of South Carolina looked dark indeed; and in one month an American succession of defeats was followed by twelve partisan victories, led by Sumter and Marion. They further instance the three months of 1781, when Greene was absent from the front of the up-country endeavoring to consolidate an army which could



advance against the British forces, that these same two partisans, with their subordinates, fought twenty-six battles, most of them victories, and thus prepared the way for the reappearance of the Continental army in South Carolina.

Notwithstanding this attempt to strike a balance, this writer confesses to a conviction that the partisans were ill treated in the contemporaneous award of honors for the successful termination of the Revolutionary war, and that the lion's share should go to them. If any excuse is necessary, it is this sentiment which has prompted the writing of this chapter.

### THE THREE GREAT PARTISANS

Of the three great partisans, Marion was the only one born in South Carolina. Sumter was a native of Virginia and Pickens of Pennsylvania. The three have a handsome monument facing one of the streets bounding the capitol grounds at Columbia, and their memory is also kept green through county nomenclature; Pickens, in the far up-country; and Marion and Sumter, in eastern and east-central South Carolina, now in the midland region, but during the activities of the partisan heroes, known as the "back-country" and considered far distant from the more aristocratic coastal sections. But though such outward symbols tend to do their names and their deeds imperfect justice, with the progress of time and the oncoming of successive historians, a happy balance is sure to be struck.

### FRANCIS MARION, THE NATIVE HERO

No military figure in the Revolutionary war is surrounded by such a halo of dashing romance as that of Francis Marion. For rapidity and elasticity of movements, concentrated and brilliant attack, he had no superior, if an equal. He had no systematic training as a soldier, or experience in handling large bodies of soldiers, like his superior with whom he had more or less friction, Gen. Nathanael Greene; but as a leader of comparatively small, mobile forces, like his intrepid "band," and later, brigade, it is doubtful whether history furnishes an example of his superior unless it be the Carlist General Zumalacarre, the ill-fated Spanish hero. He and his men struck the enemy like a lightning bolt, and were away like a flash to do mischief elsewhere. His attacks, retreats, recuperations and campaigns were simply uncanny in these features, and accomplished wonders in disorganizing and finally defeating the British forces investing Charlestown and the up-country.

The accounts of his life and achievements have been numerous, and whether he has been made a demigod, an eccentric, unbalanced leader, or a fearless, intuitive soldier, with limitations due to his education and training, has been largely determined as to whether the author has been unduly prejudiced in favor of General Greene, or against giving that undoubtedly able and well meaning officer his just due. His right to the title of Great Commander, sometimes bestowed upon him by his ultra-eulogists is very questionable. For example, William Johnson, justice of the Supreme Court of the United States, published two volumes on the "Life and Correspondence of Nathanael Greene" which served to glorify the commander-in-chief at the expense of such brave and indispensable partisans as Marion and Sumter. Contrariwise, several years before, the Rev. Mason L. Weems put forth a flaming, ridiculous "Life of Marion" which sold like "hot

cakes"; which, from all extant testimony, was the height of the author's ambition. Nobody seems to know just how many editions of this fanciful tale have been produced—there were certainly forty-five; but on the authority of Prof. Frederick A. Porcher (writing to the *Southern Quarterly Review* in 1852) the good widow of General Marion, who lived and died at "Belle Isle," in St. Stephen's Parish, where the body of the hero reposes, was so incensed by this flamboyant romance of her husband's strenuous life, that she "loudly declared that she would willingly, if in her power, punish the transgressor with stripes."

The ancestors of Francis Marion were among the French Huguenots who settled on the banks of the Santee in 1690. Of those who soon applied for naturalization were the Marion, Horry, Legaré, Laurens, Manigault, Porcher, Ravenel and other families, the names of which are so familiar to South Carolina historians. The larger portion of the Huguenot refugees, who were agriculturists, settled on the south side of the Santee, where a tract was laid out called James Town. A corporation was never organized there, the locality generally being known as French Santee.

As stated in the conservative and interesting "Life of Marion," published in 1821 by Maj. William D. James, of Marion's Brigade: "These families extended themselves at first only from the lower ferry at South Santee in St. James Parish, up to within a few miles of Lenud's ferry, and back from the river into the parish of St. Dennis, called the Orange quarter. From their first settlement, they appear to have conciliated their neighbors, the Sewee and Santee Indians, and to have submitted to their rigorous fate with that resignation and cheerfulness which is characteristic of their nation." That is the kind of stock which could produce Francis Marion.

Marion was born in St. John's Berkeley in 1732, the same year which gave birth to Washington. His education was very limited, but he was an instinctive soldier and fighter and in his seventeenth year was a lieutenant in Capt. William Moultrie's cavalry during a campaign against the Cherokee Indians. The year before he had been shipwrecked and nearly perished in the West Indies, and his widowed mother induced him to abandon his maritime ambitions. Francis settled at Pond Bluff, about four miles below Eutaw on the Santee, in St. John's Parish, in the southeastern part of the present county of Orangeburg. He was living there when the Cherokee war broke out, and we hear of him afterward wherever there was action of any kind. In 1770 he was elected to the Provincial Congress, and after Lexington was elected a captain in the cavalry regiment which William Moultrie commanded. The two Pinckneys—Charles Cotesworth and Thomas—were also fellow captains. His career as one of the great Partisan Triumvirate in the Revolutionary war was naturally developed in the narrative of that struggle.

After the evacuation of Charlestown in December, 1782, General Marion felt that his work in the field had been accomplished. He and his brigade were now to part forever. But as its movements had always been directed without pomp or parade, so its discharge was conducted with Republican simplicity. In his favorite encampment at Watboo, under the shade of the cedar trees, he thanked his officers and men for their many useful services, and bid them a friendly and affectionate farewell. Two years and a half now had elapsed since General Marion first assumed his command; his appearance was not prepossessing, his manners were distant, but not repulsive, yet few leaders have ever been so popular among their men. None ever had

more of their confidence. He had so much influence as to settle amicably many disputes among his officers, and even private men; and no duel was fought by any of them while under his immediate command.

"In taking such wise measures as have been stated for the defence of the lives and property of his friends," continues Major James, "General Marion could extend none of them to his own possessions. His plantation at St. John's lay within a mile of the marches and countermarches of the British, and was subject to every specimen of wanton waste and depredation. One half of his negroes were taken away, and the other half must have been faithful, or they would not have remained. He had ten workers left, but plantation utensils, clothes for his people, household furniture and cattle and horses were all to be purchased without a cent of money. He expected to receive half pay, but even in this he was disappointed. At a session of the Legislature shortly after, a garrison was established at Fort Johnson, and he was appointed commandant at a salary of about £500. Yet, in spite of his recent and meritorious services, this modest appointment became a butt of ridicule on the part of the politicians who were seeking popularity by posing as watchdogs of the public treasury. Marion's spirit could not easily brook such treatment, but his debts made it prudent for him to submit."

The year before Marion was appointed commandant at Fort Johnson, in 1782, the humiliated soldier was elected to the State Senate. It was during the closing chapters of the war and while he was absent at the temporary capital on legislative business, that the officers of his command quarreled among themselves and brought defeat upon the famous unit. While commanding at Fort Johnson, the General met and married Mary Videau, a remote relative, who brought him not only charms of person but a large fortune. It was a case both of mutual esteem and love, as well as of good fortune, and marked a turn in the material affairs of Marion. Thereafter, he was able to live without depending upon the parsimonious favors of the State. In 1788 he was elected one of seven delegates to the convention to ratify the Federal Constitution, two others from St. Johns Berkeley being Henry Laurens and William Moultrie. He was absent however, on May 23d when the final vote of ratification was taken, and which resulted in 149 yeas to 73 nays. In 1790 his constituents sent him to the (State) Constitutional Convention, after which he declined all public service. Marion died on the 27th of February, 1795, without issue. He was in his sixty-fourth year.

#### GENERAL THOMAS SUMTER

Thomas Sumter, the Virginian, was also a dashing soldier, but lacked much of the brusqueness, even coldness, which often characterized the personality of Marion. He was therefore more popular with the politicians and the General Greene faction, although by no means free from the criticism of the American commander-in-chief. Sumter was undoubtedly a man of broader education and mentality than Marion, and his statesmanlike abilities were recognized in a national sense. Marion's abilities were all cast in one mold—that of the soldier—and his character was therefore of that concentrated and intense type which made him almost a demigod to his immediate followers.

Sumter was born in Hanover County, Virginia, August 14, 1734,\* two years after Marion. In his youth he first showed marked soldierly qualities and bravery as a volunteer in the French and Indian war,

\* Such is the family tradition, supported by McCrady and H. A. M. Smith.

either at, or just after Braddock's defeat. He came to South Carolina in 1762. Early in 1776, when forty-two years of age, he became lieutenant-colonel of a South Carolina regiment and took the field against the British, being subsequently commissioned colonel. When his estate was ravished and his buildings were burned by the British troops under Tarleton, he retired to North Carolina, where he again gathered a small band of partisans and rangers for the purpose of striking at any opening in the British forces or defences, and in July, 1780, returned to South Carolina.

Sumter won many victories, and defeats seemed only to stimulate his activities and strengthen his determination to redeem himself and his men when the next occasion offered. For instance, he defeated a superior force at Williamson's plantation in York County, in which Captain Huck, the British commander, was killed. On August 1, 1780, he was repulsed at Rocky Mount, but soon after attacked the enemy at Hanging Rock, capturing large stores of provisions, ammunition and clothing, although it is claimed that the general result of the action was not conclusive. Colonel Tarleton, the ablest of the British commanders sent against the partisans, routed Sumter at Fishing Creek, killed or captured the bulk of his men, and retook the spoils of war which had recently been lost. But the American leader escaped, without saddle, hat or coat, and very soon reorganized a band of mounted rangers and, whenever and wherever an occasion offered, pounced upon an unprotected outpost or a supply train. In October, 1780, Governor Rutledge commissioned Sumter brigadier general, and soon thereafter appointed Marion to the same rank.

Then the British commander, Cornwallis, decided that Sumter must be crushed, and in November, 1780, sent Major Wemyss with a strong force to the Broad River region where the elusive partisan was lurking. Sumter first defeated Wemyss and a week afterward discomfited his old adversary, Tarleton. Although his wounds forced him to relinquish his command for a time, he was gratified at the congressional action which voted him and his men a resolution of thanks for "their bravery, patriotism and military conduct."

In February, 1782, Sumter again took the field, and his successes were virtually continuous until the close of hostilities. Several years thereafter his abilities other than those of a military nature were recognized by his people in his selection as a representative to the convention which was called to ratify the Federal constitution which ratification he bitterly opposed. Judge H. A. M. Smith thus summarizes his further services in a civic capacity: "So great was the admiration of his countrymen for and their confidence in General Sumter that although he had been the consistent opponent of the adoption of the new constitution, yet he was immediately elected a member of the House of Representatives to the first Congress held under that instrument, and took his seat in May, 1789. He was reelected in 1790 to the 2d Congress and sat until March, 1793. He was elected also to the 5th, 6th and 7th congresses from 1797 to 1801, when he was elected to the United States Senate and resigned his seat in the House of Representatives. He was elected Senator in 1801 and sat out his term until 1805, when he was reelected to succeed himself and sat in the United States Senate until 1810, when he resigned." To the very last General Sumter remained a "stormy petrel" in politics. He was a warm advocate of nullification and in October, 1830, declared in a published letter, "that the Legislature as a sovereign power can nullify the unconstitutional acts of the General Government," that being "the primary and principal doctrine of the States Rights party."

On June 1, 1832, he died in the ninety-eighth year of his age. He was the last surviving officer of the Revolutionary war, a patriarch and leader in both military and civil life, and in many respects one of the strongest figures of his times.

#### ANDREW PICKENS, PARTISAN AND INDIAN FIGHTER

Andrew Pickens, the third of the great partisans, whose campaigns went so far toward saving the almost hopeless situation of the American forces in South Carolina at the commencement of the Revolutionary war, lacked some of the fire of either Marion or Sumter, but was most notable, whether in the field against the British and Indians, or in negotiations with the southern tribes of red men, as a man of bold action based upon strong determination and rare judgment.

General Pickens was born in Pennsylvania, of French Huguenot descent, and thence the family moved into Virginia and South Carolina, while Andrew was still a youth. Its members were among the first settlers of the Old Waxhaws, near the North Carolina line, and there he spent his youth and early manhood in hunting and farming; in building up his physique and becoming a skilled marksman and frontiersman; in laying the practical foundation for the successful projection of the very career which was destined for him. In 1762, then in his twenty-fourth year, he volunteered his services to Lieutenant Colonel Grant, a British officer, who, during the French and Indian war was leading an expedition against the Cherokees of the up-country. In that experience he obtained his first taste of warfare and saw the shedding of human blood on the field of battle.

Soon after the close of the war in 1763, Mr. Pickens moved to Long Cane settlement, near the present site of Abbeville, and specially identified with the Calhoun family in the history of South Carolina. He was pre-eminently the greatest leader against the savages which South Carolina produced, since Tuscarora John Barnwell, and during and after the struggle for independence was without a peer. Owing to the machinations of John Stuart and other British agents among the Indians, the Whigs in the Piedmont section were constantly beset by redskins, as well as redcoats, and but for Pickens' signal victory over the Cherokees in the battle of Tomassee in 1772, South Carolina might have suffered a bloody Indian invasion far more terrible in its consequences than British or Tory warfare.

Andrew Pickens could not have been else than a radical patriot in all the contentions with Great Britain, from which finally developed open acts of hostility and the long years of bloodshed. At the commencement of the Revolution he raised a company of volunteers and was made their captain. His skill and bravery were soon recognized and he was rapidly advanced from the captaincy to the ranks of major, colonel and brigadier general in the State establishment. He appears to have combined the dash and even impetuosity of Marion with a pronounced ability to handle and inspire large bodies of men in orderly attack. So that in 1781, he was placed in command of the State militia at the decisive battle of the Cowpens, which was the commencement of the fall of the British power in America, and in the following year led the important expedition against the turbulent Cherokees which resulted in a lasting peace with them. Undoubtedly, it was the force of militiamen under Pickens, and especially his superb sharpshooters, that turned the tide at the Cowpens, which at first ran with the British army.

In 1794, under the reorganization of the militia, Brigadier General

Pickens was appointed one of the two major generals of the State of South Carolina. He was also named as one of the commissioners to settle the line between South Carolina and Georgia. Further, he was appointed a commissioner of the United States in treaties to be negotiated with the southern tribes of Indians notably in Tennessee, which office he held until he withdrew from public life. With the exception of a term of service in the State Legislature, he took no further active part in public affairs, but led a quiet life on his Tomassee farm. There he became the central figure of a widespread admiration and a deep affection, radiating in far-reaching circles and unshaken patriotism and an outspoken challenge to anybody and anything which would shackle American freedom. He was called to a seat in the Legislature when the United States was being tested for the second time by the British empire. He had shown such sagacity both as a soldier and a statesman that, with the War of 1812 weathered, he was pressed to accept the governorship of South Carolina. That honor (for it is quite certain that a nomination would have been equivalent to an election) he declined, preferring that the State government should be administered by younger hands. Notwithstanding that the general's health appeared to be robust, he died suddenly in 1817, in his seventy-eighth year—a Christian warrior, a hospitable gentleman, an upright citizen and a sagacious man of affairs.

#### GENERAL WILLIAM MOULTRIE

General Moultrie cannot be classed among the "partisan" leaders for he was a major general under the Continental establishment, the ranking officer from South Carolina, who because of his distinguished services cannot be overlooked in this aftermath. He came from an eminent Scotch family, Lairds of Seafield, Markinch and Roscobie dating to the middle of the fifteenth century. His father, John Moultrie, the emigrant, came to Charlestown before 1729, was a physician of eminence and a graduate of the University of Edinburgh. General Moultrie was born in Charlestown November 22, 1730, and like the partisans, Pickens and Marion, he received his first military training during the Cherokee campaigns of 1761-62. He served as a captain in one of the expeditions, Marion being his lieutenant. In 1773 he was colonel of the Provincial regiment of horse militia.

As the disagreements and quarrels with the mother country approached the open rupture of revolution, Captain Moultrie took his place promptly among the patriot leaders and was a delegate to the Provincial Congress which met in Charlestown in January, 1775. He was one of the daring spirits who raided the British arsenal for the necessary ammunition to support the home cause in a way which would be understood by the powers overseas. At the opening of hostilities, he was chosen colonel of the Second South Carolina Regiment, and in that capacity repulsed the first attempt of the enemy to besiege Charlestown. His defense of Sullivan's island and defeat of the entire British fleet in June, 1776, immediately took its place in history as one of the most brilliant feats of arms of the American Revolution.

Soon after Gen. Benjamin Lincoln succeeded General Howe in command of the Continental army in the Southern Department; after the fall of Savannah, General Moultrie was ordered to defend Beaufort against an attack of a British column under Major Gardner, in February, 1779. The British were utterly defeated, taking refuge in their transports; leaving behind their dead and wounded on the field. Concord can scarcely be called an "open field fight" and so this battle

before Beaufort may probably be considered "the first battle during the Revolutionary War in which the British regulars were defeated in an open field fight by a purely militia command." The second attempt of the British to capture Charlestown, that made under command of General Prevost in May, 1779, during the absence of General Lincoln in an expedition against Augusta, has been described elsewhere in this work. Suffice it to say that for the second time the city was saved by the calm courage of Moultrie. Well might the Cincinnati of South Carolina inscribe upon the tablet in St. Philip's Church to their first president that he thrice merited the mural crown!

In May, 1779, General Lincoln, in consequence of failing health, requested leave of Congress to resign his command, and General Moultrie was ordered to succeed him as commander-in-chief of the Southern army. Although Lincoln's request was granted in May, 1779, he continued with Moultrie's concurrence to retain a supervising authority over the defence operations centering in Charlestown and actively conducted by Moultrie; and this, notwithstanding that the latter had been appointed commander-in-chief of the Southern American army.

When, in May, 1780, Charlestown was captured by the British expedition under Clinton and Arbuthnot, General Moultrie fell into the hands of the enemy. By the terms of the capitulation, the Continental soldiers and sailors were to be treated the same as British troops, except as to close confinement. Comfortable buildings near town were allotted to private soldiers, and most of the officers of the army and navy were sent to the barracks at Haddrell's Point, just opposite Charlestown. General Moultrie and Col. C. C. Pinckney were assigned excellent quarters at Col. Charles Pinckney's place, known as Snee Farm. The British commandant gave the general absolute authority to manage or punish the prisoners as he saw fit, and Moultrie so far accepted this office as to claim the right to court martial the unruly and quarrelsome. Against the banishment of citizens to St. Augustine, even as prisoners of war, General Moultrie vigorously protested to the British authorities, and, as the fortunes of the war commenced to go against the patriots and the treatment of the American captives increased in severity, quite contrary to the terms of capitulation, there was need more and more, of such a champion. After the defeat of General Gates, in August, 1780, there is evidence to show that the British apparently lost all sense of honor on this score. They then considered the American cause lost, and threw their prisoners of war aboard prison ships, crowded to suffocation and infected with the most virulent type of small-pox. According to Ramsay's "History of the Revolution in South Carolina," when the general exchange of prisoners took place in June, 1781, out of 1,900 only 740 were restored to the service of their country.

Holding such an influential position among the American captives, being the most prominent character who might serve as a medium of reconciliation between the revolting colonies and the mother land, General Moultrie was naturally an object of much interest with the British leaders who were using every means to undermine the power of their sturdy offspring. It was already recognized that to bring America to her knees by force of arms alone was no light task, if it could be ever accomplished. A concerted plan was therefore put in force which had for its object the seduction of continentals from their cause, inducements of position, money and other material considerations being offered to bring about that end.

## MOULTRIE NOT TO BE SEDUCED

Among the British leaders most prominent in this propaganda was the same Lord Charles Montague, who had been governor of South Carolina from 1766 to 1773, a British officer during the War of the Revolution, and a former intimate friend of General Moultrie. While the general was still a prisoner of war, Lord Charles attempted to win him over to the British cause. In this effort his first and his last step was the following letter, the reply to which is so characteristic of General Moultrie that both are reproduced without further comment, Lord Montagu writes to him on March 11, 1781, as follows:

"Sir: A sincere wish to promote what may be to your advantage induces me now to write. The freedom with which we have often conversed makes me hope that you will not take amiss what I say.

"My own principles respecting the commencement of this unfortunate war are well known to you, and of course you can conceive what I mention is out of friendship. You have now fought bravely in the cause of your country for many years, and in my opinion fulfilled the duty every individual owes to it. You have had your share of hardships and difficulties, and, if the contest is still to be continued, younger hands should now take the toil from you. You have now a fair opening of quitting that service with honour and reputation to yourself by going to Jamaica with me. The world will readily attribute it to the known friendship which has subsisted between us, and by quitting this country for a short time you would avoid any disagreeable conversations, and might return at leisure to take possession of your estates and family.

"The regiment I am going to command; the only proof I can give you of my sincerity is that I will quit that command to you with pleasure and serve under you. I earnestly wish I could be the instrument to effect what I propose, as I think it would be a great means towards promoting that reconciliation we all wish for. A thousand circumstances concur to make this a proper period for you to embrace—our old acquaintance; my having been formerly governor of the province; the interest I have with the present commanders.

"I give you my honor what I write is entirely unknown to the commandant, or to anyone else; and so shall your answer be, if you favor me with one. Think well of me.

"Yours sincerely,

"CH: MONTAGU."

General Moultrie's reply:

"To Lord Charles Montagu:

Haddrell's Point, March 12th, 1781

"My Lord:—I received yours this morning by Fisher. I thank you for your wish to promote my advantage, but am much surprised at your proposition. I flattered myself that I stood in a more favorable light with you. I shall write with the same freedom with which we used to converse, and doubt not you will receive it with the same candor.

"I have often heard you express your sentiments respecting this unfortunate war, when you thought the Americans injured, but am now astonished to find you taking an active part against them. Though not fighting particularly on the continent, yet seducing their soldiers away to enlist in the British cause, is nearly similar.

"My Lord, you are pleased to compliment me with having fought bravely in my country's cause for many years and, in your opinion,



fulfilled the duty every individual owes it; but I differ very widely with you in thinking that I have discharged my duty to my country, which is still deluged with blood and overrun with British troops, who exercise the most savage cruelties.

"When I entered into this contest, I did it with the most mature deliberation, and with a determined resolution to risk my life and fortune in the cause. The hardships I have gone through, I look back upon with the greatest pleasure and honor to myself. I shall continue to go on as I have begun, that my example may encourage the youth of America to stand forth in defense of their rights and liberties. You call upon me now and tell me that I have a fair opening of quitting that service with honor and reputation to myself by going with you to Jamaica.

"Good God! Is it possible that such an idea could arise in the breast of a man of honor? I am sorry you should have so little regard for my own reputation to listen to such dishonorable proposals. Would you wish that man whom you have honored with your friendship to play traitor? Surely not. You say, by quitting this country for a short time I might avoid disagreeable conversations, and might return at my own leisure and take possession of my estates for myself and my family; but you have forgotten to tell me how I am to get rid of the feelings of an injured, honest heart, and where to hide myself from myself. Could I be guilty of such baseness, I should hate myself and shun mankind. This would be a fatal exchange for my present position, with an easy and approved conscience of having done my duty and conducted myself as a man of honor.

"My Lord, I am sorry to observe that I feel your friendship much abated, or you would not endeavor to prevail upon me to act so base a part. You earnestly wish you could bring it about, as you think it will be the means of bringing about that reconciliation we all wish for. I wish for a reconciliation as much as any man, but only upon honorable terms. The repossession of estates, the offer of the command of your regiment and the honor you propose of serving under me, are paltry considerations to the loss of my reputation. No, not the fee simple of that valuable island of Jamaica would induce me to part with my integrity.

"My Lord, as you have made one proposal, give me leave to make another which will be more honorable to us both: As you have an interest with your commanders, I would have you propose the withdrawing of the British troops from the continent of America, allow the independence and propose a peace. This being done, I will use my interest with my commanders to accept of the terms and allow Great Britain a free trade with America.

"My Lord, I could make one proposal, but my situation as a prisoner circumscribes me within certain bounds. I must, therefore, conclude with allowing you the free liberty to make what use of this you may think proper.\* Think better of me.

"I am, My Lord

"Your Lordship's most obedient

"Humble Servant

"Wm. Moultrie."

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\* Some students of Carolina history have read into these sentences General Moultrie's regret that his status as a prisoner of war prevented him from demanding of Lord Charles Montagu the satisfaction then usually afforded by the Code Duello to an insulted gentleman. General Moultrie himself in a footnote in his *Memoirs* says his purpose was "to advise him to come over to the Americans" and adds: "this proposal I could not make when on parole."

A manly, patriotic letter from a friend who has been hurt and disappointed in the action of another; and a stinging rebuke that went home! Exactly how to construe the first two sentences of the last paragraph is a matter for speculation, but there is no mistaking the pathetic significance of the last—"Think better of me"—a play upon My Lord's "Think well of me."

Not long after Lord Montagu's failure to seduce his friend from the American cause, General Moultrie thwarted an attempt by the British authorities to transport the continental and militia officers who were prisoners of war to the West Indies; but it was finally decided to send them to Long Island.

In many ways, General Moultrie's services to the American cause were invaluable, although he was not permitted to actively participate in the movements of the war during its last period, but his high standing in the army and the state was indicated by his prominence in the formal entry of the American troops at the evacuation of Charlestown by the enemy. It was not until February 19, 1782, that he was formally exchanged for General Burgoyne, who had been a prisoner in the hands of the Americans since his defeat and capture by Gates at Saratoga in 1777. General Moultrie had been a prisoner since May, 1780.

The public services of Moultrie did not cease at the close of the War of the Revolution. In 1785 he was elected governor of South Carolina and in 1794 was again chosen to head its affairs. That was his last appearance in public life, his death occurring September 27, 1805, in the seventy-fifth year of his age.

#### MINOR PARTISANS OF SOUTH CAROLINA

Other partisan leaders of whose heroic services too little is known and less has been permanently recorded are the Generals Peter and Hugh Horry; Col. Wade Hampton, afterward a general in the army of the United States; Generals William Henderson, Isaac Huger, Barnwell, Stephen Bull; Colonel, afterward Gen. Edward Lacey; Colonels Thomas Taylor; Brandon, whose grave has been marked only in recent years; Thomson, Roebuck, Henry Hampton, Wilkinson, Kolb, Bratton, Mydelton, Irvin, Hardén, Motte, Maham, Richard Richardson, father and son; Thomas, Kershaw, McDonald, Samuel Hammond, LeRoy Hammond, William Butler, Manning, Benton, Beekman, White, Elliott, William Hill, Robert Anderson, Mayson, Baxter, Singleton, Ancrum, Postell and many others whose names and services should be held in everlasting remembrance.

#### COLONEL WADE HAMPTON

Special notice attaches to the name of Wade Hampton of the Revolution and of the War of 1812, for the reason that he was the grandfather of perhaps the most distinguished of South Carolina soldiers, unless Gen. Andrew Jackson be taken at his word and accepted as a South Carolinian.

Colonel Hampton was one of three brothers of the name, who were leaders of the up-country men, his brother Henry, joining the American cause at an earlier period than Wade and being a brave and dependable officer from the first. Although Wade Hampton was a loyalist until the spring of 1781, when he did assume the patriot cause he did so with such vigor and ability that in a short time he was even placed in command of Sumter's men operating in the Charlestown dis-

strict, while their greater leader was suffering from his wounds or had absented himself in the up-country to collect provisions and other means to continue the conflict with his irregular followers. Col. Wade Hampton's prime cause for joining the fortunes of the partisans was an unjust arrest made by the British, who, at the time of his escape, were transporting him to one of their disease-laden and disreputable prison ships.

#### "LIGHT HORSE" HARRY LEE

Although Colonel Lee was in close cooperation with Sumter in the final recovery of Charlestown from the British, he was an officer of the continental establishment and cannot be classed as a partisan. But even among those rough and ready riders and fighters, there was none more swift and meteoric in the launching of his men than "Light Horse Harry." When General Washington appointed Greene to the command of the southern department, he notified him that he had dispatched Lee's corps to the scene of operations. There was some delay of equipping and drilling that command, but when it was ready there was no finer body of horsemen in America than afterward earned fame in South Carolina as Lee's Legion.

In Judge William Johnson's "Life of Greene" appears the following sketch of the Legion: "The Legionary corps commanded by Colonel Lee was perhaps the finest corps that made its appearance in the arena of the Revolution. It was formed expressly for Colonel Lee under an order of General Washington whilst the army lay in Jersey. It consisted at the time of about three hundred men in equal proportion of infantry and horse. Both men and horses were picked from the army, the officers only with reference to their talents and the men by a proportional selection from the troops of each state, enlisted for three years of the war. Virginia contributed twenty-five. No state south of Virginia contributed any, as they had no troops in the field."

Commenting on this statement, McGrady says: "There were twenty-three officers of the Legion during the service in North and South Carolina. These were from the following states: from Virginia, Colonel Henry Lee, commandant; captains, Patrick Carnes, Joseph Eggleston and George Handy; lieutenants, George Carrington, William Winston, and Peter Johnson; cornet, Clement Carrington, and Dr. Alexander Skinner, surgeon—nine in all from Virginia; from Pennsylvania, Lieutenants Robert Power and Lawrence Manning and Dr. Mathew Irvine, surgeon; from Maryland, Major John Rudolph and Captain Michael Rudolph; from Massachusetts, Lieutenant William Lovell, adjutant; from New Jersey, Lieutenant Jonathan Snowden; from South Carolina, Lieutenant John Middleton; from France, Captain Ferdinand O'Neill (O'Neill).

"We have not been able to ascertain from what states the following officers came: Captains Archer, Hurd and James Armstrong and Lieutenants Lunsford and Jordan. To these officers, should be added Alexander Garden, who served for some time with the Legion as a volunteer after its arrival in South Carolina.

"On the arrival of the Legion in South Carolina, Governor Rutledge, then at the Cheraws, gave Colonel Lee authority for recruiting it in the state:—

"Cheraws, 11 January, 1781.

"Colonel Lee, being desirous of raising about one hundred and fifty cavalry on a regular and permanent establishment to be at-

tached to his Legion, I do not only consent to his doing so, but recommend to active and spirited young men in this State to join him upon that footing, whereby they may signalize themselves and render important service to their country.

“‘J. Rutledge.’”

Lee's Legion acquitted itself with honor, as stated, in the final military movements of the war, and its commander was undoubtedly a most able officer. As he entered the field of operations as the protegee of Gen. Nathanael Greene and, in a way, of Gen. George Washington, he had undoubtedly acquired an exalted opinion of himself even before he commenced to make what was really a fine record as a fighter and a commander. When all was over, therefore, and honors were weighed, Colonel Lee thought that the commander-in-chief did not do him justice either in his official reports, or in the greater offense that he made him subordinate to the brave and talented Col. John Laurens, whose death at the engagement at the Combahee, in August, 1782, was the last great sacrifice made by South Carolina in the Revolutionary war. Previous to that lamentable affair, Colonel Lee had sent in his resignation as an officer of the continental army, and all his associates of the Legion followed him in a body, taking the same stand as their leader, “Light Horse Harry.” Thus Lee's Legion, as such, disappears from the pages of South Carolina history.

#### CHANGE IN STANDARD CROPS

While the war for independence raged in South Carolina, with its theater shifting from the uplands and the middle interior, to the coast, little was accomplished by the planters in the cultivation of the old standard rice crop, the encouragement of indigo production or the promotion of the coming industries connected with cotton. Not only were all these activities blocked by the military operations of the war, but the draining of the slave labor from the state made it almost impossible to raise more rice than was necessary to barely feed the home population and the soldiers in the field. At that, both suffered, at times, from the shortage of the rice supply.

When rice culture was at the height of its production, the inland swamps of lower South Carolina yielded the bulk of the crop. That statement held true for nearly three-quarters of a century. During that period few planters failed of an independence, and many made large fortunes. The aggregate of thought and work to make these swamps available was arduous, and at some points precarious; at times they were flooded and again baked with heat. But, on the whole, their cultivation was extremely profitable. Gradually, especially during and soon after the Revolutionary war, the planters abandoned the inland swamps and transformed their operations to the lowlands bordering the rivers and nearer the coast. These were called “tide swamp lands.”

The rice planters then entered into an even greater era of prosperity, with a thorough system of irrigation, improved culture and a great advance in the mechanical contrivances designed for economizing and perfecting the preparation of the crop for market.

Mrs. Ravenel, in her “Life and Times of William Lowndes,” her grandfather, speaking of the conditions prevailing in South Carolina at the close of the Revolution, says: “All other interests in the State were as nothing compared with its agriculture. This had been kept alive astonishingly during the war by the women and their faithful people, but now there came gradual changes, which were to give it

immense development. In one particular, indeed, it declined. Indigo, which had for more than forty years been the chief highland crop of the province now had to contend in the market with the cheaper product of the East Indies, and was deprived of the British bounty, which had done much to foster its cultivation. Moreover, the Georgians were planting cotton, which grew in the same kind of land as indigo, was much more easily produced, and was not so exhausting to the soil. Slowly the old industry gave place to the new, and by 1795 Carolina also was a cotton-growing state. \* \* \*

"Up to this time rice had been planted only in inland swamps—that is, low places formed by the sluggish streams of the low country and watered by embanked ponds called reserves. The spots convenient for this culture were limited; therefore the supply was limited also, although fair fortunes had been made by it, and in 1770 the export had amounted to over \$1,500,000.

"By the close of the Revolution, however, the idea had got abroad that the great body of absolutely level swamp land bordering the great rivers and the deltas lying between their mouths, might be cultivated by the tides, and that the water might be made to do the work of the hoe. Ramsay says that a Mr. Gideon Dupont first suggested this, but it has been ascertained that the scheme had to some extent been tried. At all events, about the time when the State most needed help, this new plan came. The planters set to work and the work was enormous.

"Miles upon miles of splendid cypress forests, melancholy and majestic, but terribly hard to fell, covered the ground; the ground was half land and half water, 'the haunt of coot and hern,' dear to the heart of sportsman, but icy cold in winter and pestilential in summer. The forests were felled and the land was embanked and drained. The mighty rivers had to be kept out and the embankments must be continuous, for a break on one man's land would drown his neighbor as well as himself. A whole system of banks and drains, cross drains and quarter drains, was devised; canals were dug, flood gates and trunks (a trunk is a small flood gate) made and put down. If the work were badly done and the least leak occurred, the trunk 'blew out' and the whole work had to be done over. It was a struggle of man's body and brain against the powers of nature, and sometimes nature would arise in her strength, and in a few hours of rushing flood or sweeping hurricane would destroy the fetters which man had put upon her. They were destroyed for the time, but always replaced. Of course it was years before this splendid culture was reached."

The year 1787 marks not only the virtual establishment of cotton in Carolina as a commercial product, but the commencement of the era of modern machinery for the commercial preparation of rice. The latter corresponds to the initial stage of the later era inaugurated by the introduction of the cotton gin through the persistency and genius of Eli Whitney. Says Courtenay in his annual review: "The various contrivances for cleaning rice from the crude wooden mortar and lightwood pestle of the seventeenth century, as well as the later inventions of Guerard and others, all passed away, when Jonathan Lucas introduced his improved rice mill run by water power.

"To this citizen we are indebted for the admirable machinery by which rice is cleaned and prepared for market—machinery which, in its improved state, has been copied and introduced in the North and in Europe, serving materially to increase the consumption of the grain by supplying it in the most desirable condition to home and foreign markets. He was a thoroughly educated millwright and was born in 1754 at Cumberland, England. Shortly after the war of the revolu-

tion he sailed from England for a more southern port, but through stress of weather the vessel was driven on this coast and stranded near the mouth of the Santee River.

"It was there that he noticed the laborious process then in use for cleaning the rice from its hull and preparing it for market. His was the thought and his was the skill which accomplished the wonderful economic improvements upon the old laborious processes by which the great forces of nature were to be harnessed to new machines, and the cultivation and preparation of this cereal to receive an impetus which subsequently resulted in greatly increased rice crops. In the year 1787 the first water mill was erected by Mr. Lucas, to whom the credit of the invention is supposed to be due. This was built for a Mr. Bowman on a reserve at his Peach Island plantation on the Santee River."

Extended inquiries by the late William A. Courtenay, of Charleston, who is authority for the bulk of the statements here made, indicate that McKewn Johnstone, the elder, was the first large planter to reclaim river swamp land for rice culture, his first crop being raised, in 1758, on his Estherville plantation, on Winyah Bay. Governor Wright, the last of the royal governors of Georgia, commissioned in 1760, was a rice planter, was prominent in encouraging its culture, called attention to the value of the tide swamp lands and, to some extent, brought them into use. But the complete change of rice culture from the inland swamps to the river lowlands of the coastal region was delayed by imperfectly constructed ditches for drainage and irrigation, and it was not until near the close of the century that the general transfer of such agricultural operations was accomplished. At the close of the Revolution the movement was well under way.

During the period that the indigo industries were on the decline, cotton had commenced to rise as one of the great sources of wealth for South Carolina. Indigo was at the height of its fame as a valuable home crop and its preparation, as a leading industry, just before the commencement of the Revolution, when its export had risen to 1,107,660 pounds per annum. The stocks of indigo which had been saved during the War of Independence found a market in Charlestown when its market was resumed, but there was no longer the bounty of 6 pence a pound in Great Britain, and various other causes operated to reduce the production. The figures of export show a steady decline, and its abandonment as a leading crop is foreshadowed by the statement that between 1770 and 1794 patches of cotton were grown in Carolina.

#### FIRST SHIPMENT OF COTTON TO LIVERPOOL

In one of the reprints in Carroll's Historical Collections the claim is made that cotton grew well on the Ashley River in the first year of the settlement there (1670-71). In 1748 among the exports from Charlestown were "7 bags of cotton wool; in 1770 three more bags were sent to England. In 1784 John Teasdale, a merchant of Charlestown, shipped from that city to J. & J. Teasdale & Co., of Liverpool, eight bags of cotton. When the vessel arrived out the cotton was seized "on the ground that it could not have been grown in America!" Upon satisfactory proof Teasdale's cotton was released, and that was the first cotton shipment ever made from the United States to a European port.

Of the fourteen bags sent to Europe in 1785, ten were shipped by John Teasdale.

About five years afterward (probably in 1790), William Elliot is

believed to have raised the first small crop of long staple, or sea-island cotton in the State. It was grown by that pioneer planter on the northwest part of Hilton Head Island, near the site of Ribault's French colony. That was the commencement of the cultivation and preparation of the most valuable cotton produced, the territory of its growth including the islands of the Carolina seacoast between the Ashley and Savannah rivers and mainly grouped along St. Helena Sound and Broad River.

The pronounced stimulation in the raising of both sea-island and upland cotton was occasioned by the invention of the cotton gin by Eli Whitney, the Massachusetts Yankee, in 1794. But that is projecting the story a decade or more. At the close of the Revolution, that era had scarcely dawned.

From the foregoing, it is evident that the old was passing away in South Carolina, whether viewed from the standpoint of her agriculture, her commerce or her political status. The time was at hand when not only the United States, but the world was to look toward her cotton fields to meet an international want and necessity, and when the brilliancy and intellectuality of her military and political leaders were to be recognized as a vital force in the creation of Democratic America.

## **PART IV**

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**The State During The Federal Period  
(1783-1860)**





## CHAPTER XXXI

### STATE BECOMES A FEDERAL UNIT (1783-1789)

In the February (1783) following the convening of the Legislature, by Governor Mathews, a new set of state officers was elected, as follows: Governor, Benjamin Guerard; lieutenant governor, Richard Beresford; members of the Council, Peter Bocquet, Arnoldus Vanderhorst, Benjamin Waring, Josiah Smith, Nicholas Eveleigh, William Hasell Gibbes, Jacob Read and Daniel DeSaussure.

Benjamin Guerard, the governor-elect, was the first Huguenot of South Carolina to be elected to head the affairs of the commonwealth, and measured up well with the best of his predecessors. He was one of the thrifty and prosperous men of that element, and endowed with their characteristic generosity. Arrested as one of the sturdy patriots of the colony he was thrown into a British prison ship and exiled to Philadelphia. There, touched by the sufferings of his fellows, he attempted in every way to alleviate their hard lot, and pledged his entire estate as security to raise a sufficient sum to maintain them in a fair degree of comfort. With General Moultrie, he also vigorously protested against the St. Augustine outrages. Although his efforts proved abortive, his fellow exiles did not forget his earnest and generous conduct, and at their release from captivity did all in their power to advance his interests in South Carolina. Largely through their activities and good will, Mr. Guerard was elected to the Privy Council in 1782, and, as noted, chosen governor in the following year. Lieutenant Governor Beresford and Privy Councillors Josiah Smith, William Hasell Gibbes, Jacob Read and Daniel DeSaussure, elected on the same ticket, had been of the St. Augustine party and were also fellow exiles and sufferers with Governor Guerard. It will be remembered that the name Guerard is closely identified with the cultivation of rice and early important inventions for cleaning the grain and otherwise making it marketable.

In this first Assembly chosen after the close of the Revolution, it was noted that the Privy Council and the new state officers represented the low country of South Carolina, thus insuring a quorum at the seat of government when matters might press for immediate solution. In the Legislature, however, the old up-country and low-country leaders were still active and the delegation to Congress consisted of Thomas Sumter, Ralph Izard, John Rutledge, Jacob Read and Henry Laurens.

### THE RIGHTS OF THE STATES

Perhaps the most important measure passed by the new Assembly was that which withdrew the support of South Carolina from the congressional act levying a tax of 5 per cent on imports and prizes for the support of the general government. Under the articles of Con-

federation, it was necessary that all of the thirteen states should support a national measure in order that it become law. As Maryland, Virginia and Rhode Island had already signified their opposition to the proposed levy, on the ground that it was an interference with the sovereignty of the States, the Legislature of South Carolina reconsidered its action to thus uphold the hands of the general government and repeal the act looking to that end passed at the previous session.

A matter which more closely affected the people of the State and deeply stirred them to anger, was the controversy between General Greene and the Assembly over measures to be taken for the support of the army without autocratic impressments, which had been positively forbidden by the civil authorities of the State—now, in the days of peace, paramount to the military. The joint committee of the Senate and the House appointed to consider these matters comprised General Sumter, General Moultrie, General Barnwell, Colonel Vanderhorst and Major Bocquet.

#### GENERAL GREENE VS. THE STATE

According to the official Journal of the House of Representatives, the committee reported on the 14th of February (1783) that since General Greene had applied for assistance a considerable quantity of salt beef had arrived at James Island, which they conceived might be a sufficient supply until the contractors were ready to commence their issues. Should it prove otherwise, they recommended that warrants be issued to impress until the contractors could relieve the army, at a rate not exceeding one-third of the cattle and hogs each person might be entitled to. For supplying the army with forage, they recommended the governor might be empowered to appoint forage masters in such places as were necessary to procure and deliver forage in such quantities and for such horses as were allowed by congressional regulations.

At this crisis in the affairs of the State, when the people had tired to the breaking point with the burdens of the war and were jealous of their prerogatives, so long withheld, General Greene, himself under a cloud as a possible speculator in their dire necessities, took it upon himself to address the governor and the Legislature on the necessity of the State providing the army with "a permanent and certain" revenue. He represented Congress as being bankrupt and claimed that the duty of providing for the army rested with the State rather than with the general government. The general's conclusion, which put the match to the already smouldering fire in the Legislature and body of the people, was in these words: "This country is much better calculated for revenue than for war. It may lose by every new convulsion, but can never gain where liberty is not the object. Your wealth and weakness are a double temptation to invite an invasion, and are the strongest arguments for uniting in the closest terms your interest with others. View for a moment the vast property you have exposed, and the little permanent force for its defence. Again, consider how unhealthy your climate, and the prejudices prevailing against it. Should you add new difficulties in matters of finance, the war continue and the army disband, your ruin is inevitable."

A second letter written by General Greene to allay the opposition and excitement the first letter had aroused, but added to the indignation of the legislators and the people at large, and the governor, on the 16th of March, voiced this feeling in a dignified message. That paper summarized the measures enacted and the services performed by South Carolina in support of the war, which went even further than

those imposed by Congress. The Legislature curtly resolved "that no public creditors have any reasonable cause of complaint against the State for want of raising supplies towards the general expense."

The interference of General Greene and his dictatorial air, so thinly veiled, prompted the Legislature even to abandon conditional impressments for the support of the army.

Not long afterward the civil and military authorities of the State again came into conflict. It seems that Captain Ker, of the British army and a personal friend of General Pickens, had come from Governor Tonym of East Florida with a flag to General Greene and was received with military formality. But as he was the messenger of the civil governor of East Florida, the chief executive of South Carolina considered it a rank personal discourtesy and an indignity to the State that he should be thus ignored. The articles of confederation provided that no State without the consent of the United States in Congress assembled should have dealings with any foreign embassy; and the governor claimed that no military commandant of troops "accidentally within the borders of the State" should have greater powers. He therefore issued orders for the arrest of the British officer and his entire party. Captain Ker claimed the protection of General Greene, which was eventually extended; but the sheriff, supported by the governor, insisted on detaining the crew of the vessel which brought the British officer as prisoner under civil process.\*

General Greene took possession of Fort Johnson and Wappoo Cut, and, under the circumstances, Governor Guerard and Council concluded to discharge the prisoners, but ordered the offending captain to leave the city immediately. Ker again demurred and was sustained by General Greene, who appealed the entire case to General Lincoln, the secretary of war and the Congress of the Federation. While these vexatious matters were pending, on April 16, 1783, an express reached army headquarters that a general peace had been concluded between Great Britain and rebellious America, and the soldiers commenced to clamor for their discharges.

As none of the soldiers were enlisted for a period beyond the war, they contended that they had a right to be immediately discharged. In the Maryland line particularly, it required all the energy of their officers to prevent a general insurrection and their moving off in a body. Upon one occasion General Greene had actually to draw up the troops in whom he could confide, charged his artillery with grape, and posted the artillerists with lighted matches to awe the mutinous soldiers. "The cavalry, which had been sent to the Congaree for the convenience of forage, broke through all control. One hundred of them, placing a Sergeant Dangerfield at their head, moved off in a body, and actually seized the horses of those who would not join them and apportioned them for their own use."

Under orders from the secretary of war, the few troops from South Carolina and Georgia were given furloughs until the definitive articles of peace should be signed. As soon as a small congressional fund could be distributed among the North Carolinians and Virginians, they were sent home by land, and the Maryland and Pennsylvania troops were embarked by water in July, 1783. In the following Sep-

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\* The subject of this "embassy" (it seems incongruous to call a mission from the civil governor of Florida "a flag"), was probably a demand for the person of Dr. William Charles Wells, a Charlestown Royalist who had left the city on its evacuation by the British; had returned in 1783 under a flag of truce, and had been lodged in jail. Dr. Wells, the son of the Royalist editor, Robert Wells, afterward became a distinguished scientist. After his release Dr. Wells never returned to Charlestown.

tember was signed the definitive Treaty of Paris, and the War of the Revolution was officially past in South Carolina as elsewhere on the continent of North America.

#### CHARLESTOWN INCORPORATED AS CHARLESTON

From the 13th of August, 1783, the old name Charles Town, or Charlestown, disappears from the geographical nomenclature of South Carolina, as the capital by the sea was incorporated, on that date, under the name by which it has since been known. The act of the General Assembly passed at that time, and which gave Charleston a corporate existence, provided that the local government should be headed by an intendant, or mayor.

The author of the incorporating act and the first intendant of Charleston was Richard Hutson, one of the staunchest and ablest patriots of Revolutionary Carolina.

Gen. Charles C. Pinckney once said of Charleston's first intendant that he knew of no single citizen to whom Carolina was more indebted for active zeal and perpetual sacrifices in her behalf, bearing even a severe captivity in a prison-ship at St. Augustine with uncomplaining patience and fidelity to the end. Richard Hutson was wholly worthy of election as the city's first executive. In his new station, he had to deal with many turbulent spirits, intent to disturb the peace of society, the natural sequence of war. Mobs appeared, some mischief was done and much more contemplated, but by his zeal, firmness and activity, he put down all irregularities and preserved both the public peace and the public honor. With John Rutledge and John Mathews, he had already served as one of the first three chancellors of the State, and was therefore well qualified to know what the law was, and how best to enforce it.

The act of incorporation divided what was then the city south of the present Calhoun Street into thirteen wards. Each of the wards was represented by a warden, and the thirteen officials thus created elected the intendant to serve for one year.

#### CHAMBER OF COMMERCE REVIVED

The incorporation of Charleston was one of the notable signs of the new era of peace in South Carolina, and six months afterward the old Chamber of Commerce which had existed and flourished in colonial times, and been put to sleep by the unrest of the Revolution, was called to new life by the reviving commerce of the South. At meetings held on the 4th and 6th of February, 1784, eighteen rules for the government of the Chamber were adopted. The preamble to its constitution recites that "the advantages arising from the commerce to every state are so universally acknowledged that it has been an object of constant and utmost attention; hence any attempt to extend commerce, encourage industry and adjust disputes relative to trade and navigation, must deserve the approbation of every well-wisher of his country. With these views, mercantile societies have been formed in trading cities and proved equally beneficial and useful. In order to effect in this city as institution of the like nature, a considerable number of merchants met," etc. Seventy merchants and prominent citizens of Charleston signed the constitution and by-laws of the revived Chamber of Commerce, among the most prominent of whom were the following:

Alexander Gillon, John L. Gervais, Daniel Bourdeaux, R. Pringle,

Daniel Hall, Samuel Legaré, Edward Darrell, James Simons, Felix Warley, John Edwards, Benjamin Mathewes, William Brailsford, Robert Hazlehurst, William Crafts, Roger Smith, Adam Gilchrist, John Fabre, Adam Tunno, James Hamilton, Samuel Prioleau, Charles G. Corré, William Thayer and John Bold.

#### MEASURES OF PUBLIC RELIEF

The Chamber of Commerce and the merchants as a body so bolstered up the State financially as to tide its people over the critical times following the Revolution. Their commerce had been destroyed and their agriculture reduced to the limited planting of provisions. There was absolutely no money and the State government had to furnish it, or what would pass for it, to prevent widespread suffering. A State bank was launched during the first year of peace (1783), but failed. Then the Legislature issued bills of credit to the amount of £100,000, which it called "paper medium," and lent the bills on mortgages. As stated by a writer of these times: "The merchants with great public spirit, came forward in a body and agreed to take these paper bills at par. They might well have expected them to turn to dead leaves on their hands (there had been such sad experiences before), but, so far from it, all parties behaved with good faith, the depreciation was very slight, and, the interest having been paid, was clear gain to the State. Not only were tradesmen and craftsmen thus enabled to make a fresh start in life, but the planters borrowing money upon their lands, could get to work once more and restore the agriculture upon which the State depended."

#### ERA OF UNION AND DEVELOPMENT

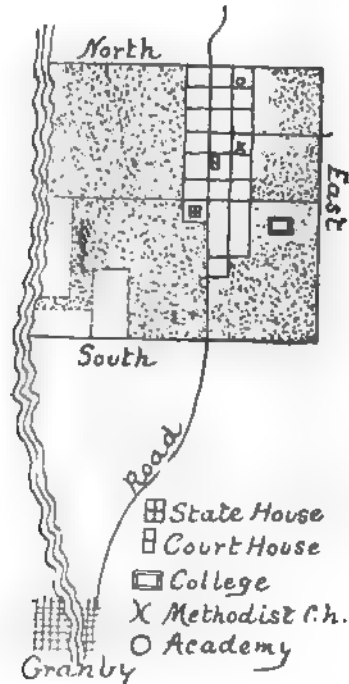
When William Moultrie succeeded Governor Guerard in the administration of South Carolina affairs, in 1785, the distinction between up-country and low-country was being gradually obliterated, and it was the obvious policy of the large men of the State and the patriots of peace to unite all citizens in the forward movement of commercial, industrial, social and educational development. One of the first acts of the Moultrie administration, in line with this policy of union and conciliation, was the moving of the State capital from the inconvenient coastal region of Charleston to an interior site near Friday's Ferry, on the Congaree River. The town of Columbia was laid out on a tract at that point, thus formally acknowledging the rights of the people of the interior and the up-country to be provided with a judicial and governmental center convenient to their homes and interests generally.

#### THE SANTEE CANAL PROJECT

Before the end of Governor Moultrie's term, several companies had also been formed to encourage the navigation of the Santee, Cooper, Edisto, Ashley, Catawba and Wateree rivers; in other words, to bring together all sections of the State in an improved system of waterways. Fortunately, even in the wild upper country the water courses were generally fordable, and most of the larger streams were crossed by ferries or bridges. The most ambitious of these projects was known as the Santee Canal, designated to connect the Santee and Cooper rivers and make them freely navigable.\*

\* W. L. Trenholm in "History of Transportation in South Carolina," Board of Agriculture Report, 1883.

The Santee River unites the waters of the Wateree and Congaree, and these, in turn, trace their sources to the headwaters of the Catawba, the Broad and the Saluda, all beyond the northern boundaries of the State. The efforts which, after the Revolution, had been so earnestly directed toward facilitating communication between Charleston and the middle and upper parts of the State, reached their climax in the conception and construction of the Santee Canal. It was conceived in 1786, but not completed until fourteen years thereafter. Had all the river improvements contemplated just after the Revolution proved practicable, the large streams which course through South Carolina would have been rendered navigable to the State line, and then, by means of the Santee Canal, Charleston would have received



ONE OF THE EARLIEST PLANS OF COLUMBIA, FOUNDED IN 1786

by water the products of Clarendon, Sumter, Kershaw, Lancaster, York, Chester, Fairfield, Richland, Lexington, Newberry, Laurens, Union, Spartanburg and Greenville counties, with portions of Oconee, Anderson, Abbeville, Edgefield and Orangeburg.

The incorporators named in the act of 1786, chartering the "company for the inland navigation from Santee to the Cooper River," were John Rutledge, John Faucheraud Grimke, Theodore Gaillard, George Haig, James Kennedy, Thomas Sumter, Benjamin Waring, Thomas Walker, John Vanderhorst, James Mitchell, Aedanus Burke, Peter Fayssoux, Richard Champion, Aaron Loocock, John James, Francis Marion, John Dawson, Alexander Gillon, Samuel Midwood, John Richardson, Ephraim Mitchell, William Bull, Duncan McRae, Nathaniel Russell, Philip Gadsden, Pater Belin, Henry Laurens, Jr., Edward Rutledge, Ralph Izard, John Budd, Robert Beatty, William Smith, Minor Winn, William Clarkson, William Hill, James Theus, Joseph Atkinson, Thomas Jones and Daniel Bourdeaux. This was the

grandest work of internal improvement which had been attempted in all America (although it was soon afterward surpassed by similar schemes in other states), and nothing can show more conclusively the devotion and resolute spirit of its promoters than the fact that after the charter was obtained, six years were consumed in making up the company.\*

#### REVIVAL OF LEARNING

At the close of the Revolutionary war, when peace seemed assured for a sufficient time to recuperate, South Carolina also experienced a revival of learning, as well as of her material and civil functions. Even during the distressing and disintegrating times of war, such organizations as the Mount Zion Society of Winnsboro, the St. David's Society of Cheraw, and the Catholic and Salem societies of Camden, were incorporated, but it was more the religious than the intellectual



MOUNT ZION COLLEGE, WINNSBORO

sentiment which prompted their establishment. Immediately after the declaration of peace, a fresh impetus was given to education, especially of the higher order.

In the first year of Governor Moultrie's term (1785) and on the same day, the Legislature incorporated three South Carolina colleges. They were the College of Charleston, Mount Zion College (Winnsboro), and an unnamed institution of learning in Cambridge. The last was a still-birth; it never went into operation. Mount Zion College was for many years a creditable academy. Certain funds which were bequeathed by individuals to aid "the first college which shall be chartered" were thus divided among the triplets. The College of Charleston enjoyed the possession of the old Barracks, with the lands attached, lying between George, St. Phillip's and Green streets, and it is on that site that the present buildings of the institution stand. At the time of its incorporation, Rev. Robert Smith, afterward bishop of the diocese of South Carolina, kept a large classical school in Charleston, and it was determined to make it the nucleus of the college.

\* W. L. Trenholm in "Transportation in South Carolina," Board of Agriculture Report, 1883.



This was done, although it was not until 1794 that the College of Charleston gave degrees to its graduates.

In 1786-87 were incorporated the Beaufort Society, the St. Helena Society and the Camden Orphan Society. And the institutions, both educational and religious, which were to spring from the fertile Legislature of the state, within the coming decade, were to constitute a numerous progeny.

#### CULTURE OF SOUTH CAROLINA

At this time, and for many years after the close of the Revolution, South Carolina, largely through the brilliant and learned men who resided in Charleston, was perhaps the most cultured of the southern states. Its relation to the other states of the South was much the same as that of Massachusetts to the eastern states. In this connection, the following is pertinent, from the pen of Professor R. Means Davis, being extracted from his article on "Education in South Carolina" published in the Board of Agriculture Report for 1883: "While South Carolina has been reproached for her failure in the past to provide for the education of the masses, no one can truthfully deny that much attention has been paid to higher education from the earliest times. During the colonial period, the sons of the rich sought instruction in Europe; and when the Revolution came on, South Carolina's sons stepped to the front in the forum, as well as on the field. In literature and science, as well as in statesmanship, South Carolinians had distinguished themselves from the earliest days.

"Dr. Lionel Chalmers, a native of Scotland, practiced medicine in Carolina from 1737 to 1777, during which time he published several medical works. Rev. Richard Clarke, for some years rector of St. Philip's, was widely known as a theologian beyond the limits of America, and when he returned to England he there taught the sons of Charlestonians, who had followed him. William Henry Drayton left a manuscript history of the American Revolution in three volumes. Christopher Gadsden understood Latin, Greek, French, Hebrew and the Oriental languages. Imprisoned at St. Augustine by the British, 'he came out much more learned than when he entered.' Dr. Alexander Garden moved to Charleston from Scotland, and studied botany and natural history with such success as to become a vice president of the Royal Society of England, and to win the admiration of Linnaeus, who named the *Gardenia* after him. Sir Nathaniel Johnson was a scientific experimenter. He introduced silk and improved rice culture in South Carolina.

"The learning of Henry Laurens is well known. His son, John Laurens, who at the age of twenty-five, was sent to Paris to negotiate with France in 1780, was an adept in 'ancient and modern languages, philosophy, geography, history and the ordinary circle of sciences, and excelled in drawing, dancing, fencing, riding and all the graces and refined manners of a man of fashion.' The Rev. Thomas Reese amassed great knowledge and wrote an excellent essay on the influence of religion on society, for which he was made a Doctor of Divinity by Princeton. John Rutledge was a man of varied attainments.

"Dr. John Lining was one of the first experimenters in electricity, and corresponded on the subject with Franklin. He wrote the first pamphlet on yellow fever that appeared in America. William Bull, the first native of South Carolina that obtained the degree of M. D., defended a thesis before the University of Leyden."

William Charles Wells, M. D., son of the Royalist editor and publisher, Robert Wells, was born in Charleston, educated in part in the office of Doctor Garden and was afterwards graduated from the University of Edinburgh. He returned twice to South Carolina, but was so outraged by his cruel treatment and imprisonment in 1783 at the close of the Revolution that he returned to England and never again visited these shores. He afterward attained great distinction as a scientist, discovered and published in 1814 the first and still accepted theory of dew, and in one of his articles formulated the theory of natural selection, for which Charles Darwin gives Doctor Wells credit in the introduction to his published works.

Thomas Dale, M. D., wrote prologues and epilogues for plays presented on the Charlestown boards, one of which appeared in the Gentleman's Magazine, London, three years before Dr. Samuel Johnson began contributing to it.

Rowland Rugely wrote and published, before the Revolution, in Charlestown, a 'Travestie of Virgil,' probably the first poem of its kind in America. A copy of the rare brochure is in the New York Public Library.

What Prof. E. R. A. Seligman calls the first original study of finance by an American is an "Essay on Public Credit," by S. Gale of Charlestown, South Carolina, two volumes, published in London in 1782. A copy of this rare work is to be found in Professor Seligman's collection.

#### THOMAS PINCKNEY, GOVERNOR

Thomas Pinckney, who succeeded William Moultrie as governor of South Carolina, in 1787, was one of the strongest and most cultured gentlemen who ever graced the office. He was one of that group of young men, the sons of leading Charlestonians, who were sent abroad to receive the broadest education afforded by the European centers of learning, that they might be a credit to American manhood. The father, Charles, was not the least of a long line of distinguished Pinckneys—learned in the law, a leader in the public affairs of Carolina, and a gentleman of culture and true polish. He was childless by his first wife, who, before her death, indicated her choice of the second Mrs. Pinckney in the person of Eliza Lucas, the lovely and talented daughter of Col. George Lucas, the governor of Antigua. She became the mother of several children, including Charles Cotesworth and Thomas.

From the age of three to twenty-three, Thomas Pinckney received the best that Oxford, the Inner Temple, afforded, and, as the clouds of the Revolution commenced to gather over his America, the young man added military studies to his legal and classical courses. His patriotism soon earned for him the epithet of the Little Rebel, and he was one of the thirty Americans in London who protested against Lord North's arbitrary acts. Mr. Pinckney returned to Charlestown in 1774 and was there admitted to the bar. But he did little more than try his first case before the war claimed him. First he was a lieutenant in a company of rangers organized in April, 1775, and on June 17th, the date of the battle of Bunker Hill, was appointed captain in Col. Christopher Gadsden's First Regiment of South Carolina troops. Among his fellow captains were Charles Cotesworth Pinckney, his brother, Francis Marion, Peter Horry, John Barnwell and others almost equally famous in the annals of the Revolution in the State.

Captain Pinckney was posted a little west of Fort Johnson during

the historic engagement. In August, 1776, his regiment was transferred to Fort Moultrie, which remained his headquarters for three years. During that period he proved his worth, more than once, as a remarkable disciplinarian. The Florida campaign, the battles of Stono and Camden, and the siege of Savannah are the four main events of his military career. In the Florida campaign, he was Major Pinckney. He gained great credit in the matter of the Prevost raid and the battle of Stono, which, under the chief command of General Lincoln, resulted in reclaiming Georgia from the British. He was with the Count D'Estaing at the siege of Savannah and was badly wounded in the leg at the defeat of Gates at Camden, August 16, 1780. There, he was also among the prisoners.

When his wound permitted, Major Pinckney was sent to Charleston, the British headquarters, where he met his friends after more than a year's separation. There, in company with his brother, he was shipped to Philadelphia, the post where prisoners of war were exchanged. The two brothers were permitted to keep house together, in company with some of their comrades fresh from the prison ships of St. Augustine. After more than a year of captivity, Major Pinckney was exchanged. In September, 1781, he was engaged in recruiting service in Virginia. This brought him into contact with LaFayette, and a life-long friendship sprung up between them.

In the final redemption of his native state, Thomas Pinckney could take no active part, as the wound which he received at Camden made strenuous physical exertion impossible. In those days military surgery was in its infancy, and a shattering of a large bone, which then was considered a serious injury, would now be placed among the minor wounds. As late as January, 1783, one of his family writes to another: "Uncle's leg has broken out again, and pieces of bone have worked their way out."

#### MAJOR PINCKNEY ELECTED GOVERNOR

As soon as peace was restored, Major Pinckney returned to Charleston, but his respite from public service was brief, for on February 21, 1787, the General Assembly, by a vote of 163 to 7, elected him governor, to succeed General Moultrie. Captain Gadsden was elected lieutenant governor, and Major Butler, Colonel Washington, Edward Rutledge and Colonel Gervais, privy councillors.

Governor Pinckney's administration was largely occupied in passing measures designed to relieve the financial embarrassments of South Carolina caused by the ravages and paralyzing effects of the war. Various complications arose from the relations of debtor and creditor, and the governor recommended the adoption of a sliding scale of values, corresponding to the variations in the purchasing power of the currency, to secure justice to both parties as far as possible.\* He also urged the settlement of debts due to foreign creditors, and in another message called attention to the difficulties under which officers of the late continental army labored as public creditors, praying that some legislative action be taken for their relief.

#### INDIAN QUESTION ALIVE

Some of the governor's most important official communications dealt with the necessity of a thorough protection of the Carolina

\* Charles Cotesworth Pinckney's "Life of Thomas Pinckney."

frontier against the possible incursions of the Cherokees and the Creeks, indicating that, even at this comparatively late period in the history of the country, the Indian question was still a live issue. It was recommended that the troops stationed near the Cherokee country, whose terms were about to expire, should be maintained; and warmly commended General Pickens for his services in connection with Indian affairs.

January, 1788, was a great month in the history of South Carolina. The loose federation of states was to be replaced by a Federal State working under a well-considered constitution. For the creation of the world-famed document a convention was called to meet in Philadelphia, May 25, 1787, and to that body South Carolina sent John Rutledge, the Revolutionary governor; Pierce Butler, and Charles Cotesworth Pinckney and Charles Pinckney, respectively brother and cousin of the governor. So that the Pinckneys were on the ground floor in building the foundation both of the State of South Carolina and the United States of America.

#### SOUTH CAROLINA AND THE FEDERAL CONSTITUTION

The Congress of the Confederation, which had first sat in Philadelphia in 1774, had continued its sessions during the War of Independence. It had issued the Declaration of Independence in 1776, and by 1781 the Articles of Confederation which bound the states to make common cause in the war had finally been approved by all. In the first eight years of the Congress, South Carolina had two presidents of this central body—Henry Middleton and Henry Laurens, while John and Edward Rutledge and Christopher Gadsden had figured prominently as members of the first session, in 1774. None of the original thirteen states had been more prominently or ably represented in the first national body than South Carolina. But the Federation was sadly deficient in binding provisions, having no chief executive, no courts and no machinery for raising revenue; and no delegation more keenly recognized these deficiencies than that sent from South Carolina.

The constitutional convention sat in Philadelphia from May 25 to September 17, 1787, and the record shows that the representatives from South Carolina were alive to all the issues at stake and leaders in suggesting remedies. The Articles of Confederation were plainly so inadequate to meet the situation that no attempt was made to revise them, but representatives from several of the states submitted independent plans for a Federal Government. A careful study of the record of the proceedings of the convention by modern scholars has shown that the plan offered by Charles Pinckney, embraced more of the salient features of the constitution as finally adopted than any other submitted. After heated arguments, the delegates from the home State consented to the agreement that the slave trade should be abolished after 1808.

#### CHARLES PINCKNEY AND THE FEDERAL CONSTITUTION

Of the brilliant members of the Pinckney family, none exceeded in variety of accomplishments and in precocious maturity of judgment the Charles Pinckney, of the Federal Constitutional convention. The general assertion that he, more than any other single delegate to that body of distinguished men, succeeded in incorporating his "Plan" into the final draft of the constitution, is not a chance statement—especially

since the thorough investigations of Andrew McLaughlin for the American Historical Review, and Judge Nott's "Mystery of the Pinckney Draught." At the fall of Charlestown in 1781, then only twenty-two years of age, Charles Pinckney was a member of the South Carolina House of Representatives and perhaps the leader of that body. While still in his 20's, he was elected to the Continental Congress and to the Federal Constitutional convention. Proficient in Latin, Greek, French, Spanish and Italian, and a polished writer, at the same time he seemed to have an instinctive grasp of intricate political and governmental matters and the faculty of making them clear even to ordinary minds. His language was both elegant, direct and virile, and his earnest personality carried conviction, as well as the simple force of his arguments and statements. Doubtless, these mental and individual traits had their bearing on the successful presentation of his plan to the eloquent and learned members of the convention.

The Constitution contained eighty-four provisions, and the investigations of Judge Nott, Professor McLaughlin and others have brought the conviction that at least thirty-two of the articles were incorporated at his suggestion. That author's conclusions are thus put: "We can say that Pinckney suggested some thirty-one or thirty-two provisions, which were finally embodied in the Constitution. It must not be assumed that we know all that Pinckney has thus contributed to the fabric of the Constitution. We now know very definitely the nature of his recommendations, but there were doubtless some other propositions that likewise found permanence in the work of the Convention. If mere assertion, based on analogy and general probability, were worth while, other portions of the constitution might be pointed out as coming from the ingenious and confident young statesman of South Carolina."

Unfortunately, the original of Pinckney's draft of the Constitution has been lost; otherwise, more pronounced light might be thrown on his participation in its final preparation.

Judge Nott's ingenious explanation of the loss of the "Mystery of the Pinckney Draught," is that it embraced so much of the Constitution as adopted that the committee, pushed for time, used Pinckney's manuscript for "printer's copy," and as everything was to be done with the utmost secrecy the printer was generally instructed to destroy all "copy" in his hands after he had finished his all important work of making the first printed draft of the constitution. Thirty years afterward when the sealed box, with all the proceedings of the convention therein, was opened, only two documents were missing, the report of the committee on detail, and Charles Pinckney's draft.

On the other hand, Mr. Pinckney brought forward a number of propositions which were almost unanimously rejected. One was that the president, judges of the Supreme Court and members of Congress, should be required to possess an unincumbered estate, the amount to be fixed by the convention. Benjamin Franklin was the most sturdy opponent of that proposition. "If honesty," he said, "was often the companion of wealth, and if poverty was exposed to peculiar temptation, it was not less true that the possession of property increased the desire for more property. Some of the greatest rogues he was even acquainted with were the richest rogues. We should remember the character which Scripture requires in rulers—that they should be men hating covetousness. This Constitution will be much read and attended to in Europe; and, if it should betray a great partiality to the rich, will not only hurt us in the esteem of the most liberal and enlightened men there, but discourage the common people from remov-

ing to this country." Pinckney's motion was rejected by so general a "No" that the states were not called.

Whether the Constitution should prohibit the slave trade and restrict the power of making commercial regulations, elicited much discussion in the convention. Virginia and Maryland furnished the most distinguished opponents of the trade. Its leading advocates were the delegates from South Carolina and Connecticut.\* Its advocates claimed that the morality or wisdom of importing slaves were matters for the States to settle among themselves; its opponents, that the matter was of vital concern to the whole Union and should be treated as a national problem and menace. "If the Convention thinks," exclaimed John Rutledge, "that North Carolina, South Carolina and Georgia, will ever agree to the plan, unless their plan (of Union) to import slaves be untouched, the expectation is vain. The people of those states will never be such fools as to give up so important an interest."

The subject was referred to a committee composed of one member from each state; to which body was also referred the proposition that no navigation act should be passed without the assent of two-thirds of the members present. This feature of the system the staple and commercial states were solicitous to retain, lest their commerce should be placed too much under the power of the eastern states. A compromise was finally reached between the East and the South by which the committee agreed to report by a great majority, that the General Government should be prohibited from preventing the importation of slaves for a limited time (until 1808); and the restrictive clause relative to the navigation acts should be omitted.

Charles Pinckney was not satisfied with this compromise and renewed the proposition requiring a vote of two-thirds to pass a navigation act. But Gen. C. C. Pinckney, who was one of the committee, considering the loss brought on the commerce of the Eastern States by the Revolution, their liberal conduct towards the views of South Carolina and the interest the weak Southern States had in being united with them, thought it proper that no fetters should be imposed on the power of making commercial regulations, and that his constituents, though prejudiced against the Eastern States, would be reconciled to this liberality. He had himself, he said, prejudices against those States before he came to the convention, but would acknowledge that he had found them as liberal and as candid as any men whatever.

Rutledge also opposed the motion of his colleague. "It did not follow from a grant of the power to regulate trade that it would be abused. At the worst, a navigation act could bear hard a little while only on the Southern states. As we are laying the foundation for a great Empire, we ought to take a permanent view of the subject, and not look at the present moment only." He reminded the Convention of the necessity of securing the West India trade to this country. That was the great object; and a navigation act was necessary for obtaining it.

#### LEGISLATURE BARELY APPROVES CONSTITUTION

The Federal Convention adjourned on the 17th of September, 1787, after a session of nearly four months, and the plan of government which it had devised was laid before the Legislature of South Carolina in January, 1788. That body on January 16 went into Committee of the Whole at once to consider it.

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\* Flander's "Lives and Times of the Chief Justices" (John Rutledge).

The discussion had not proceeded far before it became apparent that Patrick Calhoun and James Lincoln of Ninety-Six and many of the up-country representatives, whose ambitions were circumscribed and agricultural and not broad and commercial like those of the coast parishes, were massed against the Constitution, as a powerful instrument which threatened to erect a centralized government and designed to seize their liberties won by seven years of bitter struggles. Their main leader in the discussion was Rawlins Lowndes, of Charleston, a brave man and a fearless speaker, former "president" of South Carolina, who was opposed by the most solid lawyers and most brilliant debaters and orators of the State. In that great opposition, thus defied by Mr. Lowndes, were the two Pinckneys and John Rutledge, members of the constitutional convention, the last named the chairman of the committee which framed the important instrument. Ralph Izard also spoke, as well as Dr. Ramsay, the historian.

Those so prominent in the creation of the Constitution were naturally positive and enthusiastic in its defense. When Mr. Lowndes therefore declared that he "did not see that the right to import slaves for twenty years was much of a 'reciprocal bargain' for agreeing to New England's commercial policy forever," Charles Cotesworth Pinckney replied: "We have a security that the General Government can never emancipate the slaves, for no such authority is granted, and it is admitted on all hands that the General Government has no powers but what are expressly granted by the Constitution, and that all rights not expressly granted are reserved to the states. We have obtained a right to recover our slaves in whatever part of America they may take refuge, which we had not before. In short, considering all circumstances, we have made the best terms for the security of this species of property that it was in our power to make. We would have done better if we could, but on the whole I do not think them bad."

Mr. Lowndes made one more effort to stem the tide setting so strongly toward the Constitution, and in his last speech praised the Confederation; declared that he had originally opposed the Declaration of Independence, but supported it when he found that it had the popular approval, and concluded with the expressed wish to have no other epitaph on his tomb than "Here lies the man who opposed the Constitution because it was dangerous to the liberties of America."\*

This was too much for John Rutledge. Hitherto the debate had been carried on in the most courteous manner, the speakers generally prefacing their remarks with complimentary phrases—"the great abilities and experience of the Honorable Gentleman," and so on; but John Rutledge had been chairman of the committee which framed the Constitution and could not hear it so abused. He sprang up and made a fiery little speech—"Often he had listened with pleasure to the Honorable Gentleman, but now he wondered at his wasting the time of the House; that his boasted Confederation was not worth a farthing, and if Mr. Chairman was intrenched in such instruments up to his chin, they could not save him from one national calamity." He wound up, having apparently talked himself into good humor, by saying that the "Honorable Gentleman's allusion to obstinacy (in holding out against so formidable an opposition) reminded him of what had been said of another gentleman, once a member of the House:—'It has been imputed to me that I am obstinate. It is a mistake; I am not—but I am hard to be convinced!'"

Mr. Rutledge sat down, and Mr. Lowndes, probably feeling that anything would weaken the force of his own last words, made no reply.

\* Mrs. Ravenel's "Life and Times of William Lowndes."

This was the last time that these two men, both working for the same ends, but ever since the elections for the first Congress in opposition, ever met in debate.

Years afterward, Mr. Rutledge's son told his wife that his father had always considered Mr. Lowndes his most formidable antagonist—"not that he feared him, or any man, but when he was going to speak against 'old Rawlins' he always thought beforehand of what he was going to say."

#### BY A BARE MAJORITY OF ONE

Before the Legislature adjourned, Mr. Lowndes received a vote of thanks for upholding the cause of the Opposition so ably, and it was agreed, by a vote of 76 ayes to 75 nays, to call a ratifying convention to meet in Charleston on May 12th next. In that convention Mr. Lowndes refused to serve, against the decided wishes of his constituents, the people of St. Bartholomew's Parish.

The convention assembled at Charleston on the 12th of May, 1788, 222 of the authorized 236 members being in attendance. Although John Rutledge was among the number, he did not even address the convention, knowing that the Federalists, or supporters of the Constitution, were in a decided majority. About the only animated debate was on Sumter's motion to adjourn to the 20th of the ensuing October, which was finally rejected by a majority of forty-six.

This vote was considered decisive in favor of the Constitution. "When the result of the vote was announced," says Ramsay (*History of South Carolina*, Vol. II, p. 432) "an event unexampled in the annals of Carolina took place. Strong and involuntary expressions of applause and joy burst forth from the numerous transported spectators. The minority loudly complained of disrespect—unpleasant consequences were anticipated. The majority joined with the complaining members in clearing the house, and in the most delicate manner soothed their feelings."

Despite the hot opposition of Patrick Dollard, Judge Ædanus Burke, General Sumter and a number of Revolutionary officers, including Richard and Wade Hampton, Thos. Taylor, Thomas Brandon, Edward Lacey, William Hill and William Butler, the majority of them from the middle and upper country, on the 23d of May, the Convention assented to and ratified the Federal Constitution by a majority of 67 out of 213 votes—140 ayes and 73 nays.

#### OTHER MEASURES OF THE PINCKNEY ADMINISTRATION

The character of the new governor was well illustrated by the fearless way in which he dealt with convicted murderers, whom he refused to pardon, and his leniency in dealing with the former Tories, and with even the faint-hearted among the patriots who, largely as a measure of self-protection, had deserted the American cause when their homes and estates were threatened. Both the Pinckneys—the Governor and his brother, Charles Cotesworth—after the American cause was secure, adopted the policy of "let by-gones be by-gones," and endeavored to heal all the breaches in their native State which had been caused by the war.

On the 23rd of January, 1788, the Legislature of South Carolina, by a vote of 93 to 40, refused permission to even introduce a bill "to authorize the importation of negroes." Thus the State continued her traditional policy, followed since early colonial times, and changed



later only after slave labor became a settled policy, sanctioned by the United States Constitution.

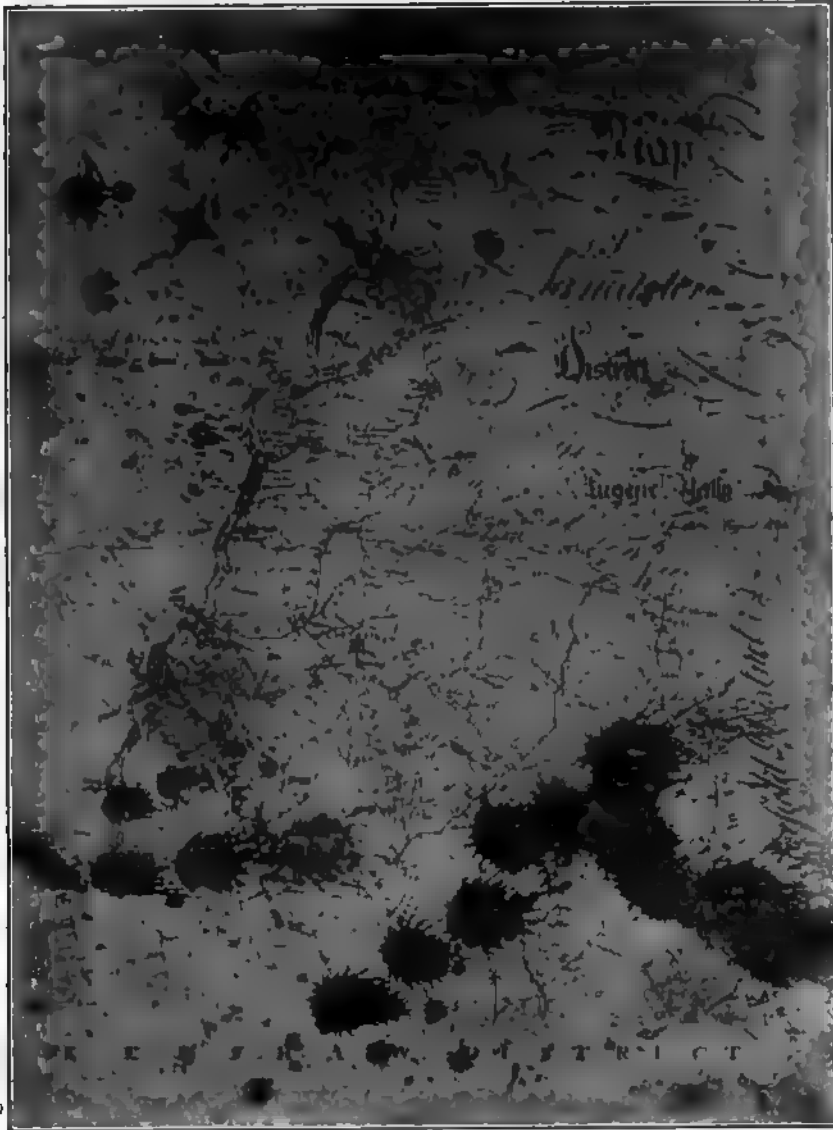
With the ending of Governor Pinckney's official term, his subsequent career is international or national, in its character. First he declined the proffer of the Federal judgeship for South Carolina, and later, although he was a young lawyer without political antecedents or influence outside of South Carolina, President Washington, supported by Thomas Jefferson, nominated him as minister to the Court of St. James, perhaps the most responsible and delicate mission in the gift of the United States. He sailed with his family for London in April, 1792.

Mr. Pinckney's diplomatic labors were shared by John Jay, chief justice of the United States and an experienced and trained diplomat. The complications at the Court of St. James called for a special missionary of Justice Jay's caliber and, although his coming was no reflection upon Minister Pinckney, and his treatment both by the administration and John Jay was most considerate, the younger and less experienced man was honest enough to write to his brother: "As to Mr. Jay's mission, if I should say that I had no unpleasant feelings on the occasion, I should not be sincere." It was probably to relieve the situation, which all concerned endeavored to make as smooth as possible, that Mr. Pinckney was appointed envoy extraordinary to the Spanish Court, and in that capacity, within four months (in October, 1795) he negotiated the treaty generally known as San Ildefonso, by which were established the southern and western boundaries of the Spanish possessions in the United States; the free navigation of the Mississippi assured, with a port of entry at New Orleans; the founding of a court of claims for the benefit of American citizens, and an agreement that each contracting party should restrain the Indians within their territories from any aggression upon their neighbors. That treaty was preliminary to the subsequent purchase of Louisiana by Jefferson and the birth of the Great West of the United States.

Mr. Pinckney returned to London, but resigned his post within a few months and in September, 1796, returned to America. In the same year he was defeated for the vice-presidency on the Federal ticket. He served in Congress from November, 1797, to March 4, 1801, and was in command of the southern department of the United States in the War of 1812. His jurisdiction extended over the Carolinas, Georgia and the Indian Territory—the last named including what are now Alabama, Mississippi and part of Louisiana. It was from the Indian Territory that the greatest danger to the South approached during this period of his career. The Creek War of 1814, however, saw the interest of the South protected by that stalwart soldier Andrew Jackson; the Indian cloud was scattered by him in Alabama, and the last resistance of the British, at New Orleans.

The War of 1812 at an end, General Pinckney retired to domestic life in 1815. His old home had been on the Santee River, among the rich rice fields of South Carolina, but after his return from Europe he turned over that plantation to his eldest son, and purchased an estate in the same locality which he named Eldorado, in remembrance of his Spanish mission. There he built a spacious mansion in French chateau style, and surrounded by beautiful grounds, charming throughout the year. His rice fields, his rice mills, his cattle, his mechanics, his slaves, his irrigating ditches, his library and his entire household and estate, evinced his care, his thoughtfulness, his consideration and his broad and practical ability in all that went to make up the ideal

life of a southern gentleman of means, education and taste. Both his country home (Eldorado), his summer home on Sullivan's Island, and his handsome town residence on George Street, Charleston, were overrun with friends and visitors.



MAP SHOWING BIRTHPLACE OF ANDREW JACKSON  
Through the courtesy of A. S. Salley, Jr.

He succeeded General Moultrie as the second president of the Cincinnati in South Carolina, and in 1825, on the death of his brother, Gen. C. C. Pinckney, he became president-general of the Cincinnati in the United States. The last time the two brothers Pinckney ever appeared together in public was at the Charleston reception to La Fayette in April, 1825, when, in the presence of thousands, the

great Frenchman embraced and kissed the Americans as an indication of his respect and love for them.

Thomas Pinckney died on the 2d of November, 1828, in the seventy-ninth year of his age. Never were marks of universal respect and affection more generally exhibited at the passing of a public character, since the death of Washington, and never afterward, except at the funeral of John C. Calhoun.

#### FIRST METHODIST STATE CONFERENCE

The Thomas Pinckney administration found the Methodists of South Carolina firmly established in Charleston and scattered along the coast country. Both South Carolina and Georgia were included in one district. The first South Carolina conference of the M. E. Church convened in the city of Charleston on March 22, 1787. Besides examining the character of the preachers and fixing their appointments for the following year little was done at the early conferences. For the most part, they were purely religious meetings.

The second conference of the State was held at Charleston on the 14th of March, 1788. Bishop Asbury left Fayetteville, North Carolina, February 19th and reached Green Pond, Marlborough, South Carolina, on the following day. It appears from the Bishop's journal that there was some disturbance at the second conference. A man made a disturbance at the door; the ladies of the audience "leaped out at the windows of the church, and a dreadful confusion ensued. Again, while I was speaking at night," continues the Bishop, "a stone was thrown against the north side of the church; then another on the south; a third came through the pulpit window, and struck near me inside the pulpit. I, however, continued to speak on my subject. \* \* \* Upon the whole, I have had more liberty to speak in Charleston this visit than I ever had before, and am of opinion that God will work here; but our friends are afraid of the cross."

## CHAPTER XXXII

### EUROPEAN INTERCOURSE AND INDUSTRIAL DEVELOPMENT (1789-1796)

The three gubernatorial administrations covering the period, 1789-1796, and the terms of Charles Pinckney, Arnoldus Vanderhorst and William Moultrie were chiefly marked by a renewed commercial and political intercourse with Europe. At the same time was promulgated the national policy, which was very well summarized in the letter of George Washington to the Earl of Buchan (April 22, 1793) in which he says: "I believe it is the sincere wish of United America to have nothing to do with the Political intrigues or the squabbles of European nations; but, on the contrary, to exchange commodities and live in peace and amity with all the inhabitants of the earth." This sentiment, eminently proper for a time when the newly emancipated States were little more than a fringe along the Atlantic coast, was quoted and misapplied time and again in 1919-20 in the United States Senate to justify Washington's Republic in not entering the League of Nations, and thus ensuring world-wide peace.

#### CHARLES PINCKNEY BECOMES GOVERNOR

In 1789 Governor Thomas Pinckney was succeeded by his cousin, the learned, brilliant and versatile Charles Pinckney, who assumed the gubernatorial chair surrounded with all the halo shed around him by his leadership in the Constitutional Convention. The first Congress of the United States which included Thomas Sumter in the House and Pierce Butler in the Senate from South Carolina, had great and fundamental work laid out for it. In this first session was developed the inherent difference between the North and the South in the policies of government which should best develop their interests. On April 9, 1789, a Pennsylvania member wished to increase the list of dutiable articles, so as "to encourage the productions of our country and to protect our infant manufactures." A South Carolina member at once objected. Mr. Butler, in behalf of South Carolina and the South, voiced his objections in words of fire, claiming that the agriculture of his State and section, which was their paramount interest and which depended upon imports for an advantageous exchange of their products, might receive its death wound from the proposed law. It was, nevertheless, passed.

#### JOHN RUTLEDGE HONORED

Another South Carolinian was also highly honored by the administration. John Rutledge, former president of South Carolina and one of the able and fearless patriots of the American cause, and who two years before had served with great distinction as a delegate to the Constitutional Convention, was appointed by President Washington an associate justice of the new United States Supreme Court. He

held the position until 1791. Washington had declared that he wished to draw "the first characters of the Union" into the judiciary.

#### STATE CONSTITUTION OF 1790

Two years after the Federal Constitution was ratified by the Charleston convention, by such a decided majority, a convention was called to formulate a new State constitution.

The constitutions of 1776 and 1778 were not framed by conventions of the people and the State Supreme Court held that they were merely ordinary statutes repealable by the General Assembly. While the constitution of '78 was an improvement on that of '76, in that it diminished the prerogatives of the ruling powers and extended the privileges of the people, yet the achievement of independence and the framing of the Federal Constitution made an entirely new instrument of government necessary; and hence the call for a convention for a new constitution. It was convened by the Legislature in 1790 under its ordinary legislative power at Columbia, the new capital of the State, and the constitution then framed continued, with a few amendments enacted in 1808 and in 1816, to be the organic law of the State for seventy-five years. The convention of 1860, after adopting the Ordinance of Secession, it is true, made modifications in the old constitution, necessitated by the secession of the State from the Union, but it did not frame a new constitution.

Some of the main features of the Federal Constitution appeared in the constitution of 1790, for some of the same leaders and thinkers who were so prominent in giving life to the Federal document were concerned in the creation of the other. Among these features was Charles Pinckney's idea to make official station in the State government partially depend upon property considerations. But its strong points, its weaknesses and its transformations, with the passage of the moulding years, are thoroughly described in the special chapter on "The Constitution of 1790 in South Carolina's Development," contributed for this work by Dr. David Duncan Wallace, of Wofford College.

#### COMMERCE AND POPULATION IN 1790.

As South Carolina was thus preparing to take her rightful station as a commonwealth of the new Union, she was about entering an era of commercial prosperity, with Charleston as her great port. From the magnificent harbor of that city went forth a large share of the 850,000 tons of American shipping then afloat, and bearing millions of pounds of cotton to the British West Indies, the French, Spanish, Dutch and Portuguese colonies and to Turkey, as well as the merchandise from western Europe to those countries, and the sugar, coffee and other West India products bound for the old world. At this time (1790), the population of South Carolina was 249,073, divided among the races as follows: Whites, 140,178; blacks, 108,805.

#### "RIGHT" OF PRIMOGENITURE ABOLISHED

It was during the later part of Charles Pinckney's administration as governor that the old English law of primogeniture was repealed. Edward Rutledge was the author of the bill, passed February 19, 1791, which abolished the ancient statute, originally designed to perpetuate the names and estates and prestige of the British aristocracy, and

which had very well suited the "slave-barons," so-called, of Virginia, Maryland and South Carolina. It obviously was ill suited for a new American State, in which it had been officially declared "that all men are created equal." "This exclusive right of inheritance which belongs to the eldest son" had unquestionably tended to keep large South Carolina estates intact and to develop a landed aristocracy. Since 1791 and Charles Pinckney's second term as governor, the children of the State have all had an equal chance in the inheritance of estates, provided the parents left no will.

#### RECEPTION TO PRESIDENT WASHINGTON

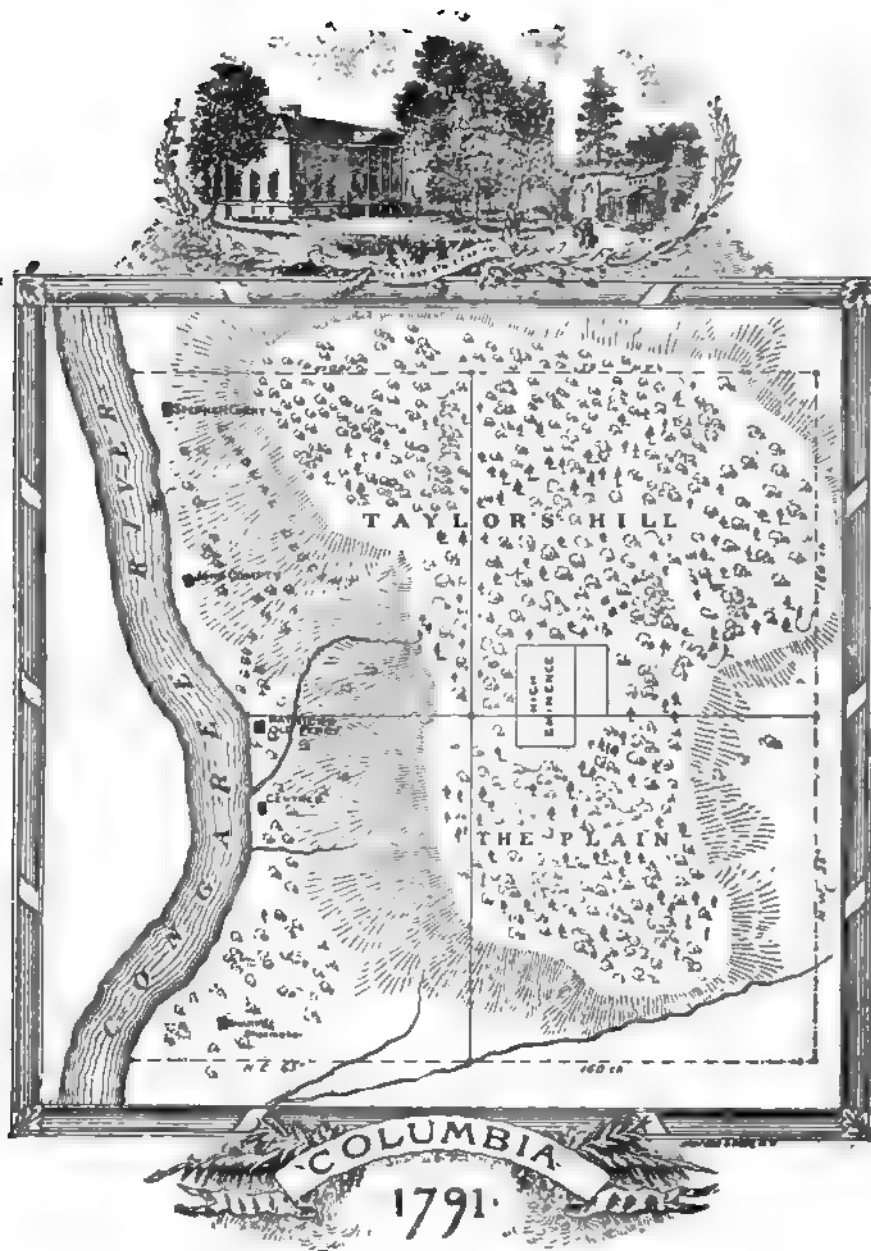
The most important and imposing social event of Governor Charles Pinckney's administration was the visit and reception of President Washington at Charleston, while making the tour of the Southern States in the second year of his term. The Charleston newspaper files are authority for the account of the public attentions showered upon the great head of the new nation.

Several days before the President was expected (May 2, 1791), Hon. Arnoldus Vanderhorst, the intendant of Charleston, and the City Council, made the necessary arrangements for the presidential reception and entertainment. The house of Thomas Heyward, in Church Street, then occupied by Mrs. Rebecca Jamieson, was designated as the official residence, with Mrs. Frances Ramadge as house-keeper. The entertainment committee paid sixty pounds rental for the house, "the lowest rate" at which it could be procured. Major Peter Bocquet had offered his barge and "Mr. Paul Pritchard agrees to lengthen and put it in thorough repair gratis, for the purpose of conveying the president of the United States from Haddrel's Point or Hobcau ferry to the city. Captain Cochran and twelve other masters of American vessels \* \* \* to be handsomely dressed at their own expense, will serve as a volunteer crew."

The custom house barge and the fort boat were to be requisitioned to assist in bringing over any gentlemen who might accompany the President. A public dinner was made a part of the programme, "Mr. Williams, of the Coffee House, having made proposals to provide a good Dinner for six shillings for each person, with a handsome Desert; the best Madeira wine for 5 s. per bottle and other Liquors as usual." But as Mr. Williams could not furnish "tables, seats, and sconces and candlesticks," that expense fell upon the Council. A ball in honor of President Washington and the ladies of Charleston, with a "genteel" supper, was also provided. Arrangements were made for a "proper stock of liquors, groceries and provisions" for the use of the President and his suite, and stables and fodder for his horses.

The intendant and committee further recommended that "the bells of St. Michael's Church be put in repair, and proper persons employed for the purpose of ringing a Peal on the approaching joyous occasion, to be paid by the Corporation. As a mark of distinction to the Intendant and Wardens, it is recommended that handsome black varnished Wands, three quarters of an inch in diameter and six feet long, be provided. The Intendant's wand to have a gold head and the Wardens, silver heads, with the cypher C. C. L. on each, be used on this and other public occasions." In a footnote to the account of the President's reception as taken from the Charleston press, William A. Courtenay states that these wands remained in use until 1861.

The President had journeyed by land, stopping at Georgetown, and arrived opposite Charleston at what is now Mt. Pleasant on Monday,



the second day of May, 1791. A committee consisting of John Bee Holmes, recorder, Gen. C. C. Pinckney and Edward Rutledge, had crossed the river to meet him, and accompanied him in Captain Cochran's barge, manned by twelve American captains, as planned. A flotilla of boats of all sizes and kinds, filled with ladies and gentlemen and accompanied by two bands of music, attended him over. As he approached the town, a salute of artillery was fired.

The City Council met the President at the official landing place, Prioleau's wharf, at the foot of Queen Street, and he was formally welcomed to the city by the intendant. He was then escorted to the Exchange by the officers of the Corporation, headed by the city sheriff (with mace) and after being individually introduced to him they accompanied him, in a body, to Major Heyward's residence where he was to be entertained.

At 3 o'clock the next afternoon the Council again assembled in the Chamber and proceeded to the Heyward residence, in pursuance of the arrangement made with the President, to present a formal address to the chief executive of the nation. The concluding words of President Washington's reply to the address of Intendant Vanderhorst were: "It is the peculiar boast of our country that her happiness is alone dependent on the collective wisdom and virtue of her citizens, and rests not on the exertions of any individual. Whilst a just sense is entertained of their natural and political advantages, we cannot fail to improve them and, with the progress of our national importance, to combine the freedom and felicity of individuals. I shall be particularly gratified in observing the happy influence of public measures on the prosperity of your city, which is so much entitled to the regard and esteem of the American Union."

On the following day (May 3d), the merchants of Charleston with Edward Darrell as chairman presented the President with an address, which, with the reply, were loaded with the usual general felicitations, but are of no special interest to readers of today.

Washington spent a week in Charleston, and there was a series of balls, dinners, breakfasts and other entertainments, and every attention that hospitality, public and private, could devise, was shown him. One of the handsomest entertainments given in his honor comprised a concert and ball at the Exchange, on which occasion the ladies wore bandeaus of white ribbon interwoven in their hair, with Washington's portrait and the words "Long Live the President" painted on them.

On Saturday, the 7th of May, the Council, in behalf of the citizens of Charleston, requested the President to permit Col. John Trumbull, the Revolutionary soldier and artist of New York, to paint his portrait that it might be hung on the walls of the City Hall and there remain "as the most lasting testimony of their attachment to his person, to commemorate his arrival in the metropolis of this State, and to hand down to posterity the remembrance of the man to whom they are so much indebted for the blessings of peace, liberty and independence." The President readily sat to the painter and his portrait is still preserved in the Council Chamber at Charleston. It has been copied and published many times, the Trumbull portrait having long been recognized as one of the best and most authentic of the many likenesses of Washington which have appeared.

On Sunday, the 8th, the President attended St. Philip's Church in the forenoon, being escorted thence from the Heyward residence by the City Council and the intendant. In the afternoon, with the same guard of honor, he worshiped at St. Michael's, after which the party proceeded to General Moultrie's. An adjournment was there



effected to Boundary Street, until 5 o'clock on the following (Monday) morning, at which place and time the Corporation wished the President "a pleasant tour and happy return" to his official mansion. Washington's next point on his southern trip was Savannah, Georgia, whither he was then bound. On his return, journeying northward he visited Columbia, the capital of the State, and attended a reception and dinner given in his honor at the new State House on May 23d.

Arnoldus Vanderhorst succeeded Charles Pinckney as governor in January, 1792, and served for two years. Dr. W. A. Schaper notes the fact that the establishment of public schools in South Carolina had been frequently urged before 1800, by the governors, especially by Vanderhorst and Pinckney, but apparently with little success. Governor Vanderhorst's administration is mainly remembered from the political excitement, mainly in Charleston, owing to sympathy, and for a short time organized effort, in behalf of the French Republicans largely due to the arrival of Citizen-Minister Genet and the propaganda he stimulated. Governor Vanderhorst showed his sympathy by attending a grand civic pageant in honor of the National Assembly of France and parading the streets of Charleston accompanied by the chief justice; Consul Mangourit, in full costume; the Rev. Mr. Coste, pastor of the French church, the judges, chancellors, speaker and all other public officers. Nevertheless, the next April he ordered the closing of a rendezvous opened by French privateersmen for volunteers. The year 1793 is also notable for the coming to Charleston of many French refugees from St. Domingo where slave insurrections had spread death and devastation.

William Moultrie's second administration commenced in 1794, following Vanderhorst's term. The chief events of his administration relate more closely to agricultural, commercial and international matters than to those of a legislative nature. The invention and introduction of the cotton gin, and the continued agitations of the French Jacobins in Charleston who had been encouraged by Genet, fall within these classifications. The Orphan House, Charleston, also went into operation in 1794.

#### ABUNDANT CIRCULATING MEDIUM

A decisive reason for the prosperity of South Carolina in the early '90s of the eighteenth century was that the State did not lack an adequate circulating medium. In 1790, in order to consolidate the finances of the country, the Federal Government assumed the debts of the thirteen original States, contracted in the prosecution of the War of the Revolution. That of South Carolina was the largest, amounting to \$3,999,651. In the further adjustment of the war accounts of the several states with the United States, on the showing of Simeon Theus, it appeared to the satisfaction of the commissioners appointed on behalf of the United States, that the latter was indebted to South Carolina for advances made by her in the further sum of \$1,447,173, and certificates of funded stock were given to the State for that amount.

These settlements and the general prosperity which ensued with the establishment of peace and the independence of the country, gave a stable foundation to the finances of South Carolina. A branch of the National Bank was established in Charleston in 1792 and others followed soon after; the inconveniences which had afflicted South Carolina in every preceding period of her history from the want of a circulating medium passed away, and the State entered a period of



ORPHAN HOUSE, CHARLESTON. OPENED IN 1794  
Oldest orphan house in continuous existence in the United States.

prosperity which was not seriously broken for twenty years, or until the approach of the War of 1812.

#### WHITNEY'S GIN STIMULATES COTTON INDUSTRIES

The cotton gin was invented by Eli Whitney in 1794, during Moultrie's administration, and although his patent was contested, the invention came into use during that year and immediately stimulated the export of the fiber. William A. Courtenay thus describes the circumstances attending the invention and its reception by South Carolina and some of the other southern states: "Mr. Eli Whitney, a native of Massachusetts, a gentleman of liberal culture and great mechanical talent, was graduated from Yale College in 1792, and went to Georgia to teach in the family of Mrs. Miller, a sister of General Greene. In her house he met many planters, all of whom regretted that so valuable a product which Georgia could produce so easily should be useless because of the difficulty of separating the cotton from the seed. He then noticed the difficult operation of picking the seed from the lint by hand. He studied the subject, and the result was the saw gin; his whole work was perfected in Mrs. Miller's house.

"I have before me a copy of the Letters Patent dated 14th of March, 1794, to Eli Whitney, attached to which is the description of a machine and a complete set of illustrations. Soon after the patent was granted, the machines were put upon the market, eagerly sought for, and their use initiated that great development which is so fully illustrated in the statistics which accompany this narrative" (exports of cotton, etc.).

In a footnote, Mr. Courtenay adds regarding one of the rival patents to the Whitney invention: "A patent for a cotton gin was issued, under date of 12th May, 1796, to Hogden Holmes, which was operated by water-power on Mill Creek, Fairfield County, South Carolina, in the mill house of Mr. Kincaid, and is reported to have worked well. Eli Whitney's patent was contested in the United States Court, Georgia District, for thirteen years, during which protracted period I can find no trace of the Holmes Patent, while the final judicial decision was in favor of Whitney whose machines were then in universal use."

Mr. Courtenay continues his narrative: "To the honor of South Carolina let the record be perpetuated; the General Assembly paid the great inventor \$50,000 for the free use of the gin in South Carolina. North Carolina and Tennessee made some compensation for similar rights, but the state where the benefits from this machine were clearly the greatest not only withheld remuneration, but opposed it in the Federal courts. It was the good fortune of a South Carolinian, Judge William Johnson, of the Supreme Court, after thirteen years of costly litigation to the plaintiff, to preside on circuit and decide in Mr. Whitney's favor. In his charge to the jury, he did full justice to the original inventor, as well as to the great importance and utility of the invention itself. To South Carolinians, such an association with this wonderful instrument is properly a subject of pride and satisfaction."

#### AMERICAN AND FRENCH COLORS INTERTWINED

It was during the early '90s of the eighteenth century, especially Vanderhorst's and Moultrie's administrations that the tri-colors of the United States and France were most intimately intertwined.

Sympathy with the French revolutionists had been widespread in South Carolina, and now that the Revolution overseas was an accomplished fact, sympathy had been replaced by an almost unchecked enthusiasm. Numerous citizens of Charleston and the State wore the tri-colored cockade of France, the American and French colors waved together at public functions, and few of the distinguished leaders of public opinion but were proud to be addressed, either verbally or in writing, as "Citoyens." All were Citizens or Brothers. French privateers paraded the streets of Charleston and fraternized with its residents, but when a recruiting station was opened Governor Vanderhorst, as before noted, thought the association too intimate, and even liable to lead to international complications, and ordered the rendezvous closed in April, 1793. But the Jacobin clubs were left undisturbed. Charles Fraser tells us that every anniversary connected with the revolution was made the excuse for a celebration and pageantry in Charleston.

"In the afternoon of January 11, 1793, a grand fete was given at Williams' coffee house, prepared for two hundred and fifty persons. Two sets of toasts, French and English, were drunk. Among those in French," says Fraser, "was one to the venerable General Gadsden: 'Courbé sous le poids de ses Lauriers.' It was truly a day of Fraternization."

#### RECEPTION TO CITOYEN GENET

In marked contrast with the formal and impressive reception and entertainment accorded the President, nearly two years previously, were the democratic and rather hilarious celebrations in honor of the arrival in Charleston of Citoyen Genet, the first minister from the French republic, en route to Philadelphia. The tri-colored cockade, the Marseillaise, the shout "Vive la Republique Francaise," and the intertwined flags of the European and North American republics, were more than ever in evidence as the distinguished agitator landed at Charleston on the 9th of April, 1793.

Notwithstanding President Washington's recent proclamation of neutrality, the French minister thought he could persuade the people to support the cause of his republic. He fitted out several privateers to cruise from Charleston and projected hostile expeditions against Florida and Louisiana—against the possessions of nations with which the United States was then at peace. But although popular enthusiasm ran strongly with the revolutionists and the republicans of France, Citoyen Genet failed to take into consideration the loyalty of Americans to their own president, to their newly acquired freedom and their institutions secured by a democratic constitution in the forming of which, through their representatives, they had had a voice. Though sympathizing with the struggling French republic, they did not propose to commit warlike acts against friendly neighbors and be drawn into conflicts which might jeopardize all the constitutional privileges which they had won at such expense of life and treasure.

On the 14th of July, 1793, the anniversary of the destruction of the Bastille, there was a great civil pageant in Charleston, and as evidence of the height to which the general enthusiasm had reached, in honor of the occasion the bells of St. Michael's were chimed and a salute fired by the artillery. These public demonstrations were participated in by the most prominent officials and citizens, on one occasion including the governor, chief justice, judges, chancellors and other civil and judicial functionaries. Still these were considered

in the light of individual acts of enthusiasm and neither State nor the United States committed acts which violated President Washington's message of neutrality. But as Minister Genet still persisted in acts and propaganda in violation of the national policy, he was recalled by the President and the violent wave of excitement subsided.

#### FIRST COTTON FACTORIES ESTABLISHED

With the introduction of Eli Whitney's cotton gin and the means thus provided for rapidly and thoroughly cleaning the fibre and rendering it both marketable for export and fitted for manufacturing purposes, the industries connected with that standard product of South Carolina soil were taken from the households of the land and established in the cooperative factories. Before and during the Revolution, the families of planters and their slaves were clothed in cotton homespun made on small hand looms. The first general movement to cooperate these private industries was made in 1770, when the Legislature appointed a committee to establish and promote manufactures in the province, with Henry Laurens as its chairman and treasurer.

In 1795, the year following the Whitney patent, the first water gin as stated, was erected on Mill Creek, Fairfield County, and even several years before then the Scotch-Irish settlers at Murray's Ferry, Williamsburg County, established a factory for weaving cotton goods with which to supply residents of the adjoining country. Not long after the introduction of the cotton gin to South Carolina planters, also, Benjamin Waring opened a factory near Statesburg, Sumter County, for spinning and weaving "Manchester cotton stuffs."

At this time, there were in York, Greenville, Spartanburg and Anderson, seven iron works for extracting the metal from the ore and working it. The one in York possessed a forge, a furnace, a rolling mill and a nail factory, and was operated by an improved water blast, the invention of Mr. Hill, one of the proprietors. There were five fulling mills in the upper country, and three excellent wheat merchant mills on Pine Tree Creek, Camden County, one of which, thought to be the equal of any in the United States, produced fifty barrels of superfine flour daily. These establishments, however, were somewhat of a later day than the pioneer cotton factories of the up-country, and are merely projected into the narrative to indicate the industrial trend of South Carolina at the end of the eighteenth century—a tendency which by no means strengthened with the passage of the years.

During the last year of Moultrie's second administration, occurred the death of the great partisan leader, Francis Marion. He departed from his active life, the last few years of which had been passed in comfort and quiet, on the 27th of February, 1795. His last public service was as a delegate to the State Constitutional Convention of 1790. Marion died in his sixty-fourth year without issue.

November of the year 1795 was marked by the return of Henry William DeSaussure, who had served with credit as first director of the mint at Philadelphia, the first gold ever coined by the United States Government having been issued under his direction. A native of South Carolina, born in the Beaufort District, he was then in his thirty-third year, an ex-prisoner of the Revolutionary war and an able lawyer; also formerly a member of the State constitutional convention and General Assembly. At his return to Charleston he succeeded Vanderhorst as intendant of the city; was afterward returned to the Legislature and became later a great jurist, the father of South Carolina's equity jurisprudence.

## CHAPTER XXXIII

### THE CONSTITUTION OF 1790 IN SOUTH CAROLINA'S DEVELOPMENT<sup>1</sup>

*By David Duncan Wallace*  
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The period covered by the constitution of 1790 might be called South Carolina as an Aristocratic Republic. Few American State constitutions have endured so long. The years from 1790 to 1865 comprise a large portion of the recorded history of this young country. It is well in reviewing a great epoch in our history to secure a correct idea of its proper place and proportions by a wide general survey of the whole drama. South Carolina may be said to have passed through three great stages. The first was from 1670 to 1775. This is the most vitally creative period in the life of the State. Then were planted the seeds of all the problems and difficulties with which we have since had to deal, and which face us in their fundamental aspects for an indefinite future. Then were imparted the elements of strength for meeting the struggles that have come and that are to come. If one could remake the critical colonial years, one could remake all the after history of South Carolina. Since that cannot be done, we must interpret South Carolina history and meet South Carolina's problems in the light of the things that happened in those irretrievable beginnings.

The second great period extends from 1775 to 1865. It is the time during which the nation was being formed, and the State, partly of her own will and partly by severe compulsion, was transformed into an integral portion of the American nation.

The third great period of our history extends from 1865 to the present. It has seen the State emerged from the shattered ruins of the old system and successfully take her place as a part of the great modern democratic nation in which her destiny must be realized and merged. It has been the story of struggle to a larger life through the difficulties fastened upon us by the errors of the past. By the good elements of that past we have striven to master those elements of evil and weakness that were so mingled in the formative period.

#### THE CONSTITUTION OF 1790

The constitutions of 1776 and 1778 were merely the work of legislatures and bore the marks of the haste and unsettlement of war. When the task of providing a more adequate fundamental law was taken up, in 1790, the State had the advantage of the work of a number of other State constitutional conventions and of the great example supplied in the Federal constitution so recently adopted. The

<sup>1</sup> The great historic event covered by the preceding chapter was the adoption of the constitution of 1790, and the far-reaching effects of that State instrument are well described in this paper, contributed to the history by Doctor Wallace.

South Carolina constitution of 1790 bears strongly the marks of the influence of the Federal constitution, not only in a few passages taken directly from it, but more essentially in the admirable conciseness of its phraseology and the confining of its provisions to the statement of the essential character of the government. It is really a fundamental law, and not a hodge-podge of legislative enactments in no sense constitutional in nature which clutter up modern constitutions.

The South Carolina constitution of 1790 resembles the Federal constitution in two other respects. It closed the period of constitutional experimentation, and it was mainly the work of the conservative classes, definitely protecting property and established institutions against "the mob," many of whose activities had at that period of unsettled relations and suspended regulations occasioned a very just and general alarm. A brief review of the constitution of 1790 will serve to show how completely it placed control in the hands of a propertied, slave-holding aristocracy.

There was a high property qualification for membership in the Legislature. A Representative should own in the district five hundred acres of land and ten negroes, or real estate of a hundred and fifty pounds sterling value, clear of debt. If a non-resident of his district, his property must be of at least five hundred pounds sterling value. A senator must own real estate in the district valued at three hundred pounds sterling, or, if a non-resident, at one thousand pounds sterling. The principle here embodied of the representation of property as such was recognized also in the suffrage. A man might vote in any district in which he owned fifty acres of land or a town lot, or in the district in which he lived if he paid three shillings sterling tax.

After the fashion of the time, the Legislature was left very large and unrestricted power. In addition to its law-making functions, it elected governor, presidential electors, United States senators, of course, and almost every other official down to county tax collectors, though the choice of many of these local officials was gradually surrendered to the people. South Carolina had a more fortunate experience with this system of legislative near-omnipotence than most other states. This was probably due to the fact that circumstances secured in this State during the period under consideration a high average of legislative ability. First, the landed slave-holding aristocracy realized that their most vital interests were constantly under the necessity of protection, both from outside and even from inside the State. Hence they sent into public life men to whom they were willing to entrust such power, just as we insist upon a higher type of man for membership in a constitutional convention than we demand for membership in the Legislature, which we have now so considerably shackled by constitutional limitations from molesting numerous important interests. In the second place, the existence of a semi-leisure class, particularly in the low country, supplied men of ability who had the time and inclination for political life. It is an interesting fact that even today, this tradition operates to send into public life, generally speaking, a higher type of man from the low country than from the up country, where most men of ability are so busy establishing their own fortunes and position that they have little time for public service. And lastly, the whole system of the ante-bellum period stimulated in young men the ambition for public career. The classic models upon whom their minds and characters were formed were senators and generals and patriots. Modern business, with its unremitting and all-absorbing demands upon time and energies and

its prizes fit to tempt a king, had not arisen. A Solon, a Pericles, a Cincinnatus, a Cicero, a Caesar, a Justinian, offered ideals of the highest achievements and noblest fame.

The authority of the executive was much less than today. Not only was his independence diminished and his responsibility to the people destroyed by his being elected by the Legislature, but he possessed no veto power. This does not mean that the character of the head of the State's administration suffered. On the contrary (barring the selfishness and political scheming inevitable in human affairs), there was a strong tendency to regard the governorship as a sort of civic crown with which to honor public men who had fairly earned such a high distinction. David R. Williams, e. g., received the first intimation of his name's having been mentioned from the committee that informed him upon his plantation of his having been elected. Though



THE HAMPTON MEMORIAL, COLUMBIA

an energetic governor in time of crisis, as Hayne during Nullification, exercised a strong leadership, his power was greatly hampered by the fact that he, as executive officer generally, was ineligible for re-election until four years after the expiration of his former term. This proud disdain of submission to personal power, inherited from the long conflicts with governors sent over by George III, is exemplified in the refusal of the South Carolina Legislature to appropriate money for the statue of any individual from that of William Pitt, in 1766, to that of Wade Hampton in 1906.<sup>2</sup> Anyone who supposes that the long lease of power enjoyed by Calhoun is inconsistent with this should reflect that Calhoun was more dominated by South Carolina than was South Carolina by him. He ruled the politics of the State like a dictator for so many years because he so perfectly expressed her will.

<sup>2</sup> Statements to this effect by Judge Simonton and others certainly are true to the spirit of the State. Whether there exists any exception, except as noted, I have not investigated.



## SLAVERY DIVIDES CLASSES AND SECTIONS

This bare outline of the frame of the government fails to reveal the essential features of the situation. These are discovered only on an examination of the assignment of representation to the various portions of the State. The low country, as the phrase was understood in 1790, consisted of a belt of about sixty miles in breadth along the coast.<sup>3</sup> It was a land of large slave-owners, great plantations, and hereditary culture. Though there were, of course, thousands of poor whites, the landed aristocracy completely dominated here. In the more exclusive parishes there was, as a member of the upper class describes it, "a veritable Chinese wall" which shut the whites of the overseer and lower classes off from the planters. Dalcho in his history of the Episcopal Church in South Carolina naively affords the following interesting illustration of class distinctions. "Stephen Bull," he says, writing about 1820, "who lived in (the) vicinity (of the Sheldon Church) usually invited as his guests on the Sabbath, the more respectable part of the congregation who attended the divine service; while his overseer, by his direction, and at his expense, likewise entertained the rest."<sup>4</sup>

The up country contained four-fifths of the white population of the state in 1790; but the low country paid almost that same proportion of the taxes. The aristocratic minority was protected in its special privileges by complete control of the government, a control that was perpetuated by a provision prohibiting amendment of the constitution or the calling of a new convention without the consent of two-thirds of the Legislature, in both houses of which the one-fifth of the citizens in the low country had a majority.

The situation involved bitter antagonisms. There was the struggle of the up country as a section against the privileged low country. There was the danger, which only gradually disappeared, of the non-slave-owning farmer and townsman to the institution of slavery. Finally, there was the bitterness of the plebeian against the aristocrat—a fire which still burns with surprising fierceness and constitutes one of the strongest forces when cleverly engineered in South Carolina politics.<sup>5</sup>

It is needless to say that there was no submission to popular vote of this constitution giving complete control of both houses of the

<sup>3</sup> The low country of a century ago, as formally recognized, though not called "low country" in the compromises of the constitution of 1790, consisted of the old judicial districts of Georgetown, Charleston and Beaufort. The up country comprised the judicial districts of Camden, Cheraws, Ninety-Six and Orangeburg. All this "low country," except the northwestern extremity, elected representatives by parishes. As slavery spread into the interior, what is sometimes called the "middle country" came to a great extent to resemble in conditions the old coast belt. Since 1865 the up country and low country are conceived as divided by a line running about through Columbia parallel to the coast. This is the fall line of the rivers, marking the merging of the hill country with the coastal plain.

<sup>4</sup> Dalcho's Church History, 383-4.

<sup>5</sup> Dr. W. A. Schaper of the University of Minnesota (in "Sectionalism in South Carolina," p. 334), says: "The slave-holding planters—a mere handful of the white population—became the absolute masters of the situation and remained so to the end. They had almost unlimited power to oppress the up-country people, yet it must be recorded to their credit that they never used their power for that purpose, nor was a single charge of corruption brought against the government in the heated controversy which led to the reform in the representation in 1808. Their administration seems to have been singularly fair and broad-minded. It speaks well for the wisdom and manhood of the South Carolina planters."

Legislature to one-fifth of the citizens, and, through the election of practically all officers from the governor down by the Legislature, complete control of local government in each county as well. But let us remember that few constitutions were submitted to popular vote at that period. Nor must it be forgotten, in studying class and sectional struggles, that such were common incidents of many of the old seaboard states.

With much of South Carolina history from 1790 to 1865 this paper is not concerned, as its task is only to trace the part played by the constitution of 1790 in the development of the State. Yet it is evident that matters not immediately connected with the constitution of the State reacted strongly upon it. For instance, the fact that after about 1825 South Carolina took a very positive stand against the centralizing tendencies of the Federal Government caused her to develop her well known system of strict constitutional construction, a process in which Calhoun's great mind played a conspicuous part. The strict construction of the Federal Constitution was made a fetish. The rigid maintenance of the fundamental law was insisted upon as the South's only salvation. This doctrine and practice were moreover promulgated and maintained essentially in the interest of the rich slave-owning class. It was inevitable that wealthy South Carolinians should adopt a similar attitude towards their own constitution, as the protector of the same privileged minority within her own borders. The protection of the South in the maintenance of the institution of slavery against the rising tide of opposition in the North involved control of at least one branch of the Federal Congress. This was maintained until after 1850 by means of the equal number of slave and free states upon the floor of the Senate. When the up country majority protested against the assignment to the low country of a number of representatives out of proportion to population, the latter replied that this was exactly the proper system, as it protected a minority against injustice by a mere numerical majority, and that such a principle could never be surrendered within the State without rendering her position inconsistent in demanding its observance in the Federal Congress. The same purpose, the protection of a slave-holding minority against a possible hostile majority, was sought by the same means and under the same constitutional theory in both State and nation. Said Timothy Ford as early as 1794, in explaining why the low country planters could not consent to the control of the Legislature by mere numerical majority, however large: "Our very existence as a people depends upon the perpetual observance of certain fundamental institutions, and we cannot submit to any people on earth the power of abrogating or altering them. \* \* \* We must cease to be altogether, the instant we cease to be just what we are."

#### ARISTOCRACY VERSUS DEMOCRACY

Let it not be supposed that either of the terms aristocracy or democracy is used with any inference of opprobrium or virtue. Though we today are much more strongly attached to democratic principles than were our forebears, we must recognize the opposing principles in the study of the past as historical categories to be examined as they really were. Each has much to its credit and also much to its discredit. If the assignment of a majority of both houses of the Legislature to one-fifth of the citizens is utterly opposed to our ideals of political justice, we must admit that such an arrangement secured the ratification of the Federal Constitution in 1788 by the low country in

opposition to the more populous up country. Into the question of how much of the up countryman's opposition to this necessary step for the country's existence was due to mere partisanship against an aristocratic coast element that he had learned to hate and distrust from past injustice, we cannot here enquire.

Suffice it to say that the constitution of 1790 was essentially for the preservation of the status quo, which is to say for the continuance of control by the low country slave-holding aristocracy. The mingled hate of class against class and section against section threatened to destroy the convention and render agreement impossible upon any constitution. It would be instructive could we call before us the contrasted countenances of the representatives of the two sections as they sat in the rude frontier quarters of the convention in the village of Columbia, far removed from the elegant and dignified surroundings of Charleston, the old capital, which still breathe a compelling charm. From the old plantation region there was a plentitude of names already written high in the history of both State and nation. There were five Pinckneys, four Draytons, two Rutledges, a Moultrie, a Grimké, a Bull, a Pringle, a Porcher, a Huger, a Laurens, a Heyward, a Seabrook, and a Washington. With what feelings must these practiced statesmen have regarded the raw, redheaded balloon maker and attorney, Peter Carnes; none the more pleased with him for the wit, boldness, and skill with which he confounded the ablest champions of special privilege. Yet the newer region had reason to be proud of their representatives also, though they were as yet unknown to fame or had first burst into history in the recently concluded struggle for independence. There were from the up country a Kennedy, a Manning, a Kershaw, a Hampton, a Pettigrew, a Simms, an Earle, a Bratton, an Anderson, a Pickens, and a Calhoun. The bearers of these distinguished names were now in opposition, though later the newer aristocracy was to be fused with the older group of the coast country.

The conflict was fundamentally on account of class interests; secondarily it was sectional, because the two classes occupied, broadly speaking, two different sections. Though it is impossible to separate the sectional and class antagonism in their history, it is essential for clearness that we do so in thought. The sectional antagonism is almost a thing of the past; but class feeling, which existed before sectionalism, is still one of the strongest forces in the politics of the State. In fact, a large part of our history is the story of the two South Carolinas. One possesses personally and intimately the great traditions of the past. By virtue of its leadership it has created, and largely, by its own blood and effort, realized those ideals. It has possessed wealth, education, culture. It has been keenly conscious of its own interests, though in the long view it has sometimes woefully misconceived what its interests really were; and it has been very energetic to realize those interests, which it has, after the manner of all classes, frequently quite sincerely taken for those of the community at large. The other South Carolina has been poor, neglected, illiterate, and at times, in its blind desperation, it has allowed unscrupulous leadership to swing it into the same camp with the lawless and immoral elements of the State. Its courage, its fire, its intense and fanatical abandon in loyalty to a cause that it has made its own, have been freely used by leadership both aristocratic and not aristocratic as the necessary numerical material of blood and brawn, or voices on the battlefield or at the ballot box.

Two South Carolinas? There are three. The first two are white; of the third, which is black, the historian has written little except from

the standpoint of the others; and the prophet seems also to have been otherwise employed.

The constitution of 1790, which lasted with only two amendments of importance until 1865, riveted the control of affairs in the power of the first South Carolina. At once there began a bitter struggle of the submerged South Carolina to assert its democratic control. But the presence of the third South Carolina forced the other two to compromise or adjourn their differences; and so the progress toward American democracy has been slower here than in most other states. And over it all there hangs the shadow of the black cloud. The negro, brought here in greed for gain that forgot that he might ever be anything else than an economic tool, has his revenge in becoming one of the most potent forces in determining the history of the State, whether he drives us into a gigantic civil war or forbids us by his presence to think and act as we would in our present day politics. In the intensity of the passions that have raged around issues arising out of his presence, even agricultural and manufacturing ideals and progress, the way for which was shown by such men as David R. Williams a hundred years ago, are only in recent decades getting a hearing and being put into practice.<sup>6</sup>

The fact that the constitution of 1790 required a high property qualification for governor and legislators was not peculiar at that time. The peculiarity lay in the fact that this State continued these restrictions until 1865, many years after their abandonment in other states. It is not surprising that South Carolina has always been noted for the bitterness of her politics. Few colonies had a stormier political history than our own. Progress was punctuated by a series of violent explosions. A landed aristocracy and a mass of energetic, self-willed poor men supplied the basis for marked individuality and contrasted classes. The American Revolution saw the bitterest partisan feeling in the internecine strife between Whig and Tory. The period from 1790 to 1865 was constantly disturbed by the violent contest either of classes within the State itself or of the State at large with the Federal Government. Hardly any student of our history since 1865 will contend that our politics have been notably calm. We are usually either in the doldrums or in a tornado. It remains true, as a Charleston editor wrote in 1852: "This is just like us. We must either be in a political fury or else be asleep. The theory of a sober, steady, watchful purpose is a sort of ghost story, that tells of something which we have never seen and in which we have but little faith."<sup>7</sup> This violence of politics may be expected to become less as the State's isolation from the rest of the country is diminished and as classes within her own borders become more nearly assimilated to the same degree of culture and the entertainment of approximately similar ideals.

#### THE SECTIONAL QUARREL

Sectional antagonism was common in all the thirteen original states. The coast towns that were first settled assigned representation in the colonial legislatures without prevision of the needs of future settlements in the back country. When the interior became populous and demanded representation, the coast regions had become

<sup>6</sup> H. T. Cook's "Life and Legacy of David Rogerson Williams," pp. 206 to 220, etc.

<sup>7</sup> Boucher's "Secession and Co-operation Movement in South Carolina," p. 138.

so much more wealthy and refined that they feared the results of acceding equal power to the rough backwoodsmen, not to speak of the natural human liking for retaining advantages of which one finds oneself possessed. Sometimes it was backcountrymen against coast city merchants, as in Massachusetts; or western farmers against the wealthy metropolis, as in Pennsylvania; or midland farmers and Allegheny mountaineers against tide water planters, as in Virginia. Besides the natural unwillingness of an old, cultivated, wealthy community to share equal political privileges with the poor, rough, recently settled intruders of the interior, the sectional antagonism was accentuated in South Carolina by the fact that the planter community feared that the non-slave-holding up countrymen might discriminate against, or even endanger, their peculiar form of property; for there was a decided feeling against slavery in that region until its own people became to a considerable extent slave-owners.

The sectional antagonism ante-dated the Revolution. Partly due to neglect by the low country Legislature, partly due to the stubbornness of the royal government in London, the need of the back country for courts and their just demands for representation had been long neglected. Courts were decreed in 1769; but the first representation consisted of the delegates assigned by the revolutionary committee to the back countrymen in order to draw them into the movement for the maintenance of American rights. This comparatively small representation was given legal recognition by the constitution of 1776. When the constitution of 1790 was being formed, there was a determined effort to secure representation in proportion to population, which would have given an overwhelming majority to the upper district; but this failed. We must remember that at that time only four or five states practiced the principle of representation in proportion to population.<sup>8</sup> The generally recognized practice wherever free government existed was that of territorial units or groups without careful regard to relative numbers.

The system (or rather schedule, for there was no system or principle to it), adopted by the constitution of 1790 was, however, bad even for that day. It originated by a sort of chance at the beginning of the Revolution. When the first Provincial Congress was to be summoned, the question arose of the number of delegates to be assigned to each district. Let each parish send six, suggested a country member who did not think that more could be secured. Agreed, replied a city member; each parish shall send six members and the city of Charleston thirty. The back country, never having been run off into parishes, was divided into large areas by the rivers, and several members assigned to each. This revolutionary body, the Provincial Congress, intended for a temporary purpose, was led by the force of events to transform itself into the first General Assembly by the State of South Carolina, and so the supposedly temporary assignment of representation to various districts became imbedded in the fundamental law. By the constitution of 1790 the city and parish members were reduced by half and the others were variously reassigned, making a total of 124 for the lower house, at which figure it has ever since remained.

The existing control by the low country was continued by this arrangement, which gave it a clear majority both in the Senate and the House. The result would have been ludicrous, if it had not been

<sup>8</sup> Massachusetts assigned senators to districts in proportion to taxes paid and representatives in proportion to population by her constitution of 1780. Not until 1840 were the senators assigned in proportion to population.

so serious. Not only was a safe majority assigned to the one-fifth of the citizens residing in the low country, but there was no justice in the distribution of representatives among the divisions of either section within itself. St. Stephen's parish, e. g., with a white population of 226 had not only the same representation as Edgefield County with 9,785, but the same as St. Bartholomew's parish, with a white population of 2,133. Instead of each up country district being given a senator as was each parish, in many cases two and in one case three districts were united for the choice of one senator.

Certain members of the convention from the low country did not hesitate to argue that the proper basis for representation was wealth. In view of the fact that the one-fifth of the citizens living in the low country paid at that time about four-fifths of the taxes, such members considered that the majority assigned their section was not so large as justice would demand.

Sectional conflicts occurred on other issues. The dispute over the location of the capital almost disrupted the convention, and when Columbia, which had been designated by statute in 1786 in place of the ancient capital of Charleston, was finally named in the constitution by a majority of four votes out of 214, the low countrymen were able to insert the proviso, "until otherwise determined by the concurrence of two-thirds of both branches of the whole representation."<sup>9</sup>

So bitterly was the location of the capital contested that a determination either way seemed rather to inflame than to settle the sectional controversy. Finally a committee of four from each section was appointed, who formulated the following compromise, which was embodied in the constitution:

1. There should be a treasurer for the up country and another for the low country; though the taxes were to be spent in common for any public purpose.

2. The surveyor general and the secretary of state should have offices in both Columbia and Charleston.

3. The Court of Appeals should meet in Columbia to hear appeals from the up country and in Charleston to hear appeals from the low country.<sup>10</sup>

4. Though the governor should reside at the capital during the session of the Legislature, he might reside wherever he considered best for the public interest at other times.

#### THE FIGHT FOR REAPPORTIONMENT

Defeated in the constitutional convention, the friends of representation according to population organized all over the State for the purpose of correcting the existing system by constitutional amendment. The two-thirds of the Legislature necessary could be obtained only by winning over a considerable portion of the members from the low country, as they constituted a majority in each house. This was finally accomplished in 1808, after eighteen years of agitation. The compromise then adopted frankly recognized two facts that dominated the situation in the South Carolina of that time, namely, that wealth must be recognized equally with population in assigning representa-

<sup>9</sup> A motion to table the motion to name Columbia as the capital failed by only one vote.

<sup>10</sup> Not such an unreasonable arrangement in a time of vexatious inconveniences of travel. Compare the arrangement even of today of having the United States District Court meet in various parts of its comparatively small district rather than to drag suitors, attorneys, and witnesses to one central point and to the judge.

tion, and second, that the low country would consent to no change that did not leave it complete control of at least one house. Accordingly one senator was allowed to each parish or district, and one representative in the lower house was assigned to each parish or district for each sixty-second part of the white population, and one for each sixty-second part of the taxable wealth of the State that it contained. Control of the lower house thus passed to the up country, while the control of the Senate, though by a reduced majority, remained with the low country.

Two considerations may be mentioned in defense of this system. It constituted an inducement to citizens to return their property at a high valuation for taxation in order to obtain a larger voice in controlling the Legislature. In the absence of any but the scantiest constitutional limitations on the power of the Legislature, it afforded means by which either of the two sections, still so different in conditions and interests, might protect itself against selfish or inconsiderate legislation for the advantage of the other. Instances are not wanting in the years that followed, in which low country legislators rebuked up country representatives for seeking to spend the public money contributed mainly by rich low countrymen on public improvements in poor up country districts in which taxes, it was stated, hardly sufficed to defray the expenses of the courts of justice.<sup>11</sup>

In our day of rather decided democracy, we must remember that a hundred years ago there were many excellent and fair minded persons who had not accepted the mere count of heads as the sole proper basis for representation. There were still so many sectional divergencies, so many separate class interests, and men were so near to the numerous mediaeval precedents of class as the basis of representation, that such a system had much more excuse than it could have today.<sup>12</sup> The mere sectional antagonism between upper and lower country was very strong. The haughtiness of the great slave-owners, or at least of a considerable portion of that class, was intolerable to the common man of the up country. The bitter resentment of the latter would, if unrestrained, have occasioned grave inconvenience, to say the least, to the former. The needs of the masses were systematically neglected by the class in power.

It must never be forgotten in any relationship of the affair that the essential basis of this system of sectional representation, so arranged as to secure control of one house to each section, was the difference in regard to the institution of slavery. It was the reproduction in parvo of the situation upon the larger national stage. The southern contention, so clearly expressed by Calhoun, was that the only basis for association between the North and the South was that the peculiar interests of each should be protected by guaranteeing to one the control of the House and to the other that of the Senate. As time went on, the people of South Carolina who desired to maintain the existing State arrangement sought to strengthen their position by the Federal analogy. It was maintained that South Carolina could not abandon that system and permit the control to pass to the up country majority without abandoning the principle for which she stood as to the organ-

<sup>11</sup> I have not verified the correctness of the statement as to the extremely small taxes contributed well on in the nineteenth century by certain vigorous up country districts. I regard the statement as probably exaggerated.

<sup>12</sup> The system of representation by classes and interests established by Great Britain in India, where conditions are such that representation in proportion to population would lead to tyranny by unscrupulous majorities against hated races or religions.

ization of the Federal Congress. Mr. Calhoun offered the South Carolina example as a model of representation by interests and sections, with mutual protection for each, to the study of the people of the country at large.

#### NULLIFICATION OBSCURES THE SECTIONAL QUARREL

It is to be doubted whether the compromise of 1808 between people and property, between democracy and plutocracy, ever did more than moderately allay the feelings of sectional and class antagonism. A further concession to the rising spirit of democracy was the adoption of manhood suffrage by the constitutional amendment of 1810. Maryland took the same step in that year, the others of the original thirteen states following at intervals of many years. However, the principle of the representation of property was retained by permitting a citizen to vote by manhood suffrage in the district of his residence and also by property right in any district in which he held fifty acres of land or a town lot. Some years later the attorney general rendered the opinion that persons should vote for legislators in only one district, as to vote in several would amount to double representation; they should vote for local officers in every district in which they held property, as their interests warranted a voice in selecting the officials for the protection of their property wherever it might lie.

The degree of sectional feeling in 1829 was illustrated by the long struggle that began that year for the division of the large Pendleton district in the northwestern corner of the state into two election districts, a conflict which sectional jealousy kept open until the just and reasonable measure was allowed to become law in 1854.<sup>13</sup> In striking analogy to the contest between North and South, a feature of which was that there must be equality in the number of slave and free states in the Senate, it was proposed in the Legislature, though not seriously considered, that the new district might be created in the up country if an extra senator were given the low country to prevent disturbance of the existing balance. But the lower section would have the division of Pendleton under no circumstances, as it might furnish a precedent for further increase in the number of up country districts, which were generally of much greater size than the low country parishes. The analogy to the struggle in Congress over admitting new free states was almost perfect. After twenty-five years of bitter contest and mutual crimination, the necessary two-thirds vote in two successive Legislatures finally split the huge hill country district into two. Sectional spirit was then merging in the common spirit of union in defense of the State's position against the growing encroachments of the North, not to speak of the operation of other forces that were gradually bringing the two sections of the State towards a greater similarity and like-mindedness.

Nullification operated in part to accentuate the sectional and class conflict, as the rich low country slave-owners were distinctly the class in whose interest the new attitude of opposition to the Federal Government was being assumed; but with many more of the citizens it operated for the submerging of sectional opposition, as all parties were alike opposed to the gross injustice of the protective tariff. In fact, Judge William Smith, of York, President Cooper of the South Carolina College, and Mr. Calhoun, of Pendleton, who were in the very forefront among the leaders of Nullification, were all from the up

<sup>13</sup> Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," 8, *passim*.



country; for Richland was still then so classed, though gradually swinging in character and interest toward the other section. Not only did the fierce heat of conflict against the "foreign" power at Washington, and the joining together of Unionists from all sections and of Nullifiers from mountains to seaboard, operate powerfully to obliterate local sectional opposition, but Calhoun for the rest of his life exercised in every way possible his great influence for the same end. He emphasized the fact that the salvation of South Carolina and of the South depended upon the continuance of the remarkably disproportionate influence that South Carolina exercised in Washington, due to her standing as a unit and so consistently supporting the same policy. As the encroachments of the Abolitionists became bolder, this argument carried an almost irresistible weight. He also plied the South Carolinians with the same argument that he used in Washington, as to the representation of interests and the nature of a well balanced republic as contrasted with a turbulent and despotic democracy, and sought to lead them to regard their own constitution with its deliberately balanced sectional interests as a model of which they should be proud. Again and again he successfully suppressed movements of a democratic character in South Carolina which would have profoundly modified, if not completely overthrown, the existing constitutional system.

Still, the old sectional feeling continued so strong as to threaten embarrassment to the leaders who wished to swing the State into opposition to the Federal Government. When the calling of a convention was under discussion, Unionist leaders all over the State sought to stir the old prejudice between the sections in order to frighten the Nullifiers into giving up the plan. It was urged that if a convention of the people were called, it should not adjourn without correcting the old injustice by which the aristocratic low country minority were able to control the majority. But the Charleston Mercury, fiercest of Nullifiers, was correct in its confidence that the up countrymen would refuse to sacrifice a great Southern interest for this merely sectional state advantage.<sup>14</sup>

The heat of feeling between Nullifier and Unionist was such that no lesser matter could remain unfused. As late as 1840, J. H. Hammond, who two years later was elected governor, wrote as follows in reference to his opponent, J. P. Richardson:

"The Union and Nullification parties bear relations to each other that have not existed between any two parties since the Revolution. They have stood opposed in arms and prepared to shed each others' blood, the one for, the other against; their native State, in a struggle for all she held dear—nay, for her very existence. The Union men carried the matter to the very last and blackest die of treason. They invited a foreign enemy to our shore and received arms and commissions at their hands. These things can never be forgotten. The mass of these two parties can never exist together except as the conquered and the conquerors."<sup>15</sup>

Richardson, the former Unionist, was, nevertheless, elected, the first instance of the conferring of high office on a member of that party since 1832.

<sup>14</sup> Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," 9 and 11.

<sup>15</sup> J. H. Hammond to J. C. Calhoun, April 29, 1840, in *Correspondence of John C. Calhoun*, American Historical Association Report, 1899, pp. 11, 819.

## ATTEMPTS TO RENDER THE CONSTITUTION MORE DEMOCRATIC

Despite the fact that the State was still deeply stirred at the aggressions of the anti-slavery party in Congress, it is evident that the old local sectional and class feelings would not long remain quiescent. Dissatisfaction with the existing aristocratic and sectional system was to assert itself during the next two decades in three distinct manifestations. But for the exigencies of the battle against Northern aggressions, the democratic wave would have dashed itself with much greater fury against the wall of conservatism and would probably have come to a much earlier success. As it was, the triumph of democracy was delayed until after the crash of the whole system against which it had contended at home and the wreck of much more besides.

Dissatisfaction with the existing constitutional system was based on three grievances: The election of the governor by the Legislature; the choice of presidential electors by that body; and the control of the Senate by the small parish minority. Attacking these were the movement, in 1838, for electing the governor by popular vote and increasing his salary and power; a much stronger movement, from 1844 to about 1854, for the popular election of presidential electors; and an unorganized demand, in 1851 and 1852, for an entirely new constitution.

The movement for the election of the governor by the people was naturally stronger in the up country, though it did not acquire a distinctly sectional character. Before the compromise of 1808 between population and wealth, the old parishes had enjoyed a complete monopoly of the governorship. The first nineteen governors<sup>16</sup> were from Charleston, which then included the aristocratic old county of Berkeley. The amendment of 1808 gave the majority in the joint session of the Legislature, which elected the chief executive, to the up country. The twentieth governor, being the second elected after reapportionment, was from Georgetown—Joseph Alston, who had labored nobly for a more just representation, even urging population as the only proper basis, though he was accounted the richest planter in the state. The middle region between the parishes and Columbia was rapidly taking on the characteristics of a rich plantation region and naturally demanded that the leaders it was producing should receive recognition. Later, as spots in the upper country grew out of their primitive conditions, they supplied their quota of leaders in such brilliant names as McDuffie, Pickens, and Butler. Of the twenty-six governors from 1812 until the outbreak of Secession, nine were from the middle country, eight were from the up country in the modern sense, and only nine were from the parish region, six of these being from Charleston (including Berkeley) and the other three from Georgetown.

The middle country was merging into the low country, illustrating the fact that the coast country has all along exercised a stronger influence upon the region outside it than that region has exercised, until recent decades, in return. It is easy to explain the greater influence of the country from Columbia downwards, both in the choice of the governor and in legislation. The low country minority, as always with a compact class-conscious group, hung together much better than the other section in matters involving their class interests.<sup>17</sup> It was

<sup>16</sup> Counting terms, a man serving two terms counting for this purpose as two governors.

<sup>17</sup> Cf. maps in Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," exhibiting the vote on various questions.

analogous, as was so much of the sectional quarrel in South Carolina, to the greater contest in Congress between the united South, vitally interested in preserving certain institutions, and a majority that could be divided because not so vitally interested. To return more specifically to the governorship, the continued preponderance of men from the planter region in that office is largely explained by the fact that the accepted aristocratic cast of the government made the choice of a certain type natural. It was also in no small part due to the greater experience and skill of the low country members and the fact that they much more distinctly represented what was then understood as "South Carolina." Charleston particularly was wise enough to keep strong men in the Legislature for long periods. The result was inevitable that they should acquire large influence, not only through widely extending acquaintance and established prestige, but through their familiarity with every precedent and usage of government. The low country could supply a larger amount of material suited to the office by culture, worldly experience, political practice, and independent means, the possession of which is so important in a public career.

The movement for the popular election of the governor possessed little vitality. It was opposed by the group of able men who at that time directed the politics of the state. Calhoun dealt it a crushing blow by explaining how it would impair the State's great influence in Federal affairs. In a letter remarkable for its clear vision of the results to be expected and extremely interesting as a document in the warfare for the suppression of democracy, Calhoun shows how the great influence of the State in Washington was dependent upon "our peculiar political institutions." If the choice of the governor were given to the people, "two violent parties would spring up. \* \* \* Each party will be ready to seek Federal aid and patronage and to sell the State to purchase it. \* \* \* There would be no need of a force bill to assert Federal supremacy among us thereafter. Our own mercenary divisions and factions would be effectual for that purpose. \* \* \* An immediate conflict would spring up between the upper and lower country under the change; and that the power and influence of the latter would be prostrated, and that our State government, from being a beautiful and well adjusted Republick, protecting the interest of all, and uttering the voice of the whole Community, would become a wild factious and despotick Democracy under the control of the dominant interest."<sup>18</sup>

The incident is an excellent illustration of the remarkable co-operation for a definite purpose that was maintained by the able group of leaders who directed the politics of South Carolina before the War of Secession. They operated almost like a general staff, with Calhoun as chief. It was because they saw so clearly the lines along which the strife between North and South lay and so truly sensed the essential issue at stake. Doubtless it is useless to speculate upon the powerful force for progress and permanent good they would have exercised if they had turned their great abilities with equal co-operation to constructive measures for the general good instead of so fatally misconceiving the nature of slavery and the true foundation of the prosperity of the State. But had it not been for the consciousness of fighting for life on the basis of an institution whose doom was threatened, they could not have maintained such co-operation, and would not have been in public life.

The history of class rule under the aristocratic constitution of 1790

<sup>18</sup> Calhoun to A. H. Pendleton, November 19, 1838, in Calhoun's Correspondence, Report American Historical Association, 1899, II, pp. 419-21.

illustrated the immense influence of an intelligent, organized and (according to their lights and viewpoint) patriotic aristocracy. They almost completely dominated the commonwealth of which they were a small minority; they swung the State into their column for national purposes and exercised an influence over national legislation far in excess of South Carolina's economic or numerical proportions. As Mr. Joseph W. Barnwell strikingly expressed it in his address of welcome to the American Historical Association at its meeting in Charleston: "That little city has, whether for good or evil, exercised a greater influence upon the history of this country than any equal number of people anywhere in America. When one considers the small size of the city, and that less than half of that population was white, and that only a small portion of that group were the real directors of the thought of the city, and that the city very largely dominated South Carolina in the course of State and national affairs which we have been tracing, the thought is indeed very suggestive." The constitution of 1790 was intelligently and deliberately conceived and framed for maintaining the power of a certain class, and right well did it serve its purpose.

From 1832 to 1861 South Carolina assumed an attitude of semi-siege condition. Every effort at division into parties was suppressed in view of the stern necessity of every man's standing ready to take up arms against the "foreign" enemy that threatened the destruction of the "peculiar institution," the preservation of which the State considered essential for its existence.

The question of the governorship was hardly laid to rest before the persistent spirit of democracy demanded that the people, instead of the Legislature, be given the choice of presidential electors. This movement, lasting from 1844 until about 1854 with intermittent spurts until 1858, was much more determined than the former and called into activity all the forces of democracy versus aristocracy, and up country versus low country. That the essential nature of the long contest was one growing primarily out of slavery was recognized by the more thoughtful to a degree that is not common, and suggests the possibilities of the course that Southern State history may have taken under the inspiration of men of the views of Hinton Rowan Helper, who sought to arouse the poor whites for the abolition of slavery as their worst enemy, if the South had been left by the abolitionists free to work out its own problems. But this again is a speculation as to what history would be if people were not human beings. "Some of the larger planters of the interior," says Boucher, "began to think that it was essential to keep 'the actual slave-holder not only predominant, but paramount, within its (slavery's) circles,' for they believed that it was 'weakened by every accession of administrative and executive power to the masses even here,' in South Carolina."<sup>19</sup>

The contest for a popular choice of presidential electors died down

<sup>19</sup> Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," 38, quoting Governor J. H. Hammond to William Gilmore Simms, July 23, 1847. Governor Hammond in this letter supplies an interesting illustration of how thoughtful Southerners of the period realized the evil of the slave system, but were so mistaken as to the changes that history was to force upon them in a few decades as to consider them impossible "for centuries." Continuing his discussion of slavery, he says: "As to going with it westward, I say no. If it was abolished in South Carolina tomorrow, and not in Georgia, I would not cross the river. The institutions that succeed it might drive me off, but I would try them. But as to the thing per se, I do not love it. I believe it a political and social blessing, taking government and society at large. As an individual, I would far prefer tenants to slaves. But that system is, of course, wholly impracticable now, and will be for centuries here, and abolition would simply be ruin to all things."

about 1854, partly from mere weariness in an apparently hopeless fight, but mainly because of the increasing pressure of the slavery contest in the country at large. There was, however, a cry of deep dissatisfaction with the whole situation in the State that must receive attention. That was the unorganized demand for an entire new constitution. It seems to have been confined to a few restless spirits in the up country. It is significant, however, that as early as 1830 the Greenville Mountaineer, the most unsparing advocate of democratic reform and the most important mouthpiece of anti-secession and anti-aristocratic influence in ante-bellum South Carolina, declared that the constitution of South Carolina was anti-republican and more aristocratic in its fundamental principles than that of any other state in the Union.<sup>20</sup> In 1851 "Brutus" issued a pamphlet in which he ably argued for a new constitution. Hopeless of inducing the low country-controlled Senate to consent by a two-thirds vote to any change or to the calling of a convention, he advocated peaceful revolution. The people were to elect delegates without legal authorization. They were to frame a constitution which would protect the interests of free labor, instead of the masters of overgrown plantations, and place power in the hands of the 200,000 white freemen now practically disfranchised. This constitution was to be submitted to the Legislature for ratification. If that body refused, another convention should be elected, which should present its constitution to Congress with the demand that Congress make good its constitutional obligation of guaranteeing to every State a republican form of government.

The movement then at its height to carry South Carolina out of the Union, preferably by co-operation with the other slave states, but alone if necessary, "Brutus" denounced as the desperate attempt of the aristocratic faction to save their own interests and power and blast forever all hope of elevation and prosperity for the masses of our population. While shouting "State rights," he declared, this minority trample on the true sovereignty of the State.<sup>21</sup> The Greenville Southern Patriot warmly seconded Brutus. A correspondent suggested that the convention of May, 1852, called for the purpose of considering secession, should rather devote its energies to correcting the iniquities which rendered the word republican a mockery when applied to South Carolina.<sup>22</sup> The reply of the slave-owning interest to such arguments was to stiffen their opposition to democracy on principle. In 1832 the Nullifiers had argued that the minority in the State must yield to the majority, though they denied the right of the majority in the country at large to control the minority consisting of a dissatisfied State. By 1850 the same leaders were preaching that in no government were the minority bound to submit to the will of the majority. Calhoun's doctrine of representation by classes was frankly defended as the proper principle, and the old days when Timothy Ford advanced the same arguments in 1794 seemed to have returned. Democracy was denounced, in the words of Calhoun, as "an absolute and despotic form of government." The Charleston Mercury, which defended "republicanism" and denounced "democracy," deprecated every attempt to assimilate South Carolina to the "socialism, demagogism, and mobocracy" that afflicted other states.<sup>23</sup>

<sup>20</sup> Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," p. 7.

<sup>21</sup> Boucher's "Sectionalism, Representation, and the Electoral Question in Ante-Bellum South Carolina," p. 42. Boucher in his invaluable monograph excellently summarizes this rare pamphlet.

<sup>22</sup> *Ib.*, p. 49.

<sup>23</sup> *Ib.*, p. 54.

Only a failure to understand the situation can occasion surprise at such doctrines. It was the natural attempt, always and everywhere found, of a minority differing radically from the majority in situation, institutions, or interests to protect itself from being sacrificed. Calhoun simply thought out the principle to its ultimate consequences and stated it with a clearness that startles us of today who are so far removed from the circumstances with which he dealt. Calhoun spoke of the merely numerical majority and the concurrent, or constitutional, majority. The latter, he explained, is the expression of each interest as determined by a majority of its own members. "A perfect government of the (popular) kind would be one which would embrace the consent of every citizen or member of the community," says Calhoun. "But, as this is impractical, the advocate of numerical majorities commits the error and injustice of ignoring the minority and considering the expression of the will of the majority as the will of all. The advocates of the 'Constitutional majority' at least minimize the evil by preventing the crushing of the will of whole interests. If each interest could be isolated and all extraneous persons sent to act with their own element, the amount of injustice would be minimized to the vanishing point; for the only overborne minorities would be the dissenting members of each group whose judgment as to ways and means would have been discarded for the preferable decision looking to the same essential end of group protection by their own fellows. It is, indeed, the negative power which makes the constitution—and the positive power which makes the government."<sup>24</sup>

When the defenders of the South Carolina constitution lauded it as establishing the rule of "all" instead of the despotism of a part of the people, they meant that it prevented anything being enacted to which both sections did not agree. They overlooked the fact that such a system may establish a gross despotism of the minority; for the minority virtually continually enacted that the existing oppressive system should continue. A society may be oppressed by refusal to loosen the bands of its ancient laws as well as by imposing new bonds.

But it is nevertheless true, both as to the State and nation, that the Calhoun theories are inevitable and indispensable as the only means of co-operation among elements that have not yet come to economic or political homogeneity. They are as essentially a means of progress by first making union possible as are the theories of national supremacy by which they are later overborne. They become objectionable only when they seek to prevent the further progress for which they have prepared the way. But since powerful interests find the continuance of the old system necessary for their preservation, progress can be made only through conflict, which sometimes reaches the most violent character. A not un instructive parallel is presented by the discussion of the League of Nations. We are all Calhoun strict constructionists in the face of the new move for wider union. By a reversal of position that has been observed before in American history, senators from the old consolidation regions are the most Calhounish of all; and largely for the same reason that the South once was: They represent interests that want to be "let alone," to pursue courses that cannot be considered for the general good."<sup>25</sup>

<sup>24</sup> Calhoun's "Disquisition on Government," p. 28-35, in Works, I.

<sup>25</sup> The history of the Austrian Empire, with its struggles to adjust the clashing interests of groups, in that case mainly racial, is full of instruction for Americans. The final effort of the emperor to reconcile racial antagonisms by assigning representation to each race rather than to areas of territory deserves the most careful study by those who ignore or minimize the problems that

## SLAVERY AND SECTIONALISM DESTROYED BY DEMOCRACY

The democratic agitation, which had centered chiefly in the long fight for the popular choice of presidential electors, had been declining for several years in the face of the graver issues over slavery so rapidly growing more ominous. It was finally laid to rest, says Boucher, in 1858.<sup>26</sup> When the clash came in 1861, the old constitution was continued without further change than the verbal alterations necessitated by the severance of connection with the Government of the United States. When the War of Secession was over and the old citizenship proceeded under President Johnson's patronage to shape for themselves a new constitution, the opportunity arrived for abolishing in the State government some of the old aristocratic features that had been devised for the protection of a social and economic system that no longer existed. The great slave-owner, the small farmer, and the propertyless poor white had fought for four terrible years in a war caused by the "peculiar institution" that had aggrandized a minority at the sacrifice of the majority, but which had been waged in the spirit of common defense of the most sacred rights of freemen to resist what all regarded as foreign invasion and conquest. The old world and the old props and subterfuges by which it had been bolstered were alike gone. Though it would be an exaggeration to say that there were no longer an up country and a low country, the spirit of sectionalism, along with the system of slavery out of which it had so largely grown, had received its death blow.

## THE CONSTITUTION OF 1865

By the constitution of 1865 the parishes ceased to be election districts and these ancient divisions, containing about a fifth of the white population, sank considerably towards their proportionate place in a modern democracy. But though large counties became the basis of representation there, as elsewhere, that section continued to enjoy a much greater representation in proportion than the others, for two reasons. First, their white population, which was the only element of population considered in assigning representatives, was very small; and secondly, the old system of assigning representatives in proportion to wealth and population equally, was continued. The assignment of senators on the basis of the larger areas (the present counties) reduced the senators from the former parishes to about a third of their former number. Representation by sections was gone. Recognition of wealth as a basis for representation was swept away at the end of the one brief year that the constitution of 1865 was allowed to stand.

The victory for the democratic element was complete in the constitution of 1865 in the other two points of controversy. The election of the governor and other executive officers and of presidential electors was given to the people.

The War of Secession ended a period of bitter internal constitutional struggle in South Carolina as well as settled matters of national scope, just as did the Revolution.<sup>27</sup> Though slavery was abolished

arise when separate races are permitted or forced to maintain their racial consciousness under the same government. In a deep sense, there is no difference between the history of different nations any more than between the mathematics of different engineering structures. That is largely why the study of history is worth while.

<sup>26</sup> Ibid., p. 60.

<sup>27</sup> Wallace's "Constitutional History of South Carolina, 1725-1775," pp. 92-93, *passim*.

by what has sometimes been denominated the worst possible way, yet it may be seriously questioned whether any other method would have broken effectively the tendency that was alarmingly frequent of mingling the races through concubinage. The relations of master and slave were so free and kindly, the advantage to the slave woman in becoming the mother of her master's mulatto children was so inviting, that the multiplication of mixed breeds was distressingly common. The eventual abolition of slavery was inevitable, and with it the free migration of the former bondmen from end to end of the country. As shades grew lighter and lighter, the peril correspondingly increased of the spotting of the white stock with the mixed through "negroes" who had removed to regions where their dark ancestry was not known. One does not have to travel far towards the equator to observe the result once such a process is fairly begun. The hatred stirred up by the war and reconstruction operated powerfully to keep each race to its own stock. A relationship of which the proudest blood was not ashamed before 1860 is now regarded by all except the lowest individuals as a disgrace.

South Carolina continues to exhibit violent politics, because she continues to be so largely a State of extreme contrasts. No society is more charming than that of her most cultivated circles. Few states have such a mass of white illiterates or such a host of Africans. Extreme conditions inevitably breed extreme politics. Circumstances postponed the democratic revolution to the late date of 1890. Much has happened since then to turn the faces of South Carolinians to the great characters and deeds of the past for consolation. And yet I entertain the profound conviction that the truest greatness of South Carolina lies in the future and not in the past. For the majority of her people, her history has just begun.



## CHAPTER XXXIV

[The Historical Narrative Resumed]

### SIXTEEN YEARS OF PEACE (1796-1812)

Charles Pinckney succeeded William Moultrie as governor of South Carolina in 1796, at the time when his cousin, Thomas, was at the height of his fame as a diplomat, having just concluded the San Ildefonso treaty with Spain, by which the boundaries between its possessions and the United States were determined and the Mississippi River opened to international navigation. Gen. Charles Cotesworth Pinckney was also about to be sent as envoy to France and his mission to the French Directory was of the most delicate and momentous nature. So that three of the famous Pinckney family were under the most intense of public limelight, and emerged, as usual, with unweakened assurance and strengthened reputations. This was Governor Pinckney's third term.

#### CHARLES PINCKNEY'S THIRD TERM

This administration of Charles Pinckney was probably at the time considered uneventful, but was marked by several happenings which now seem worthy of note as the pioneer movements in the establishment of public schools which had been attempted in several instances successfully in colonial times. It is said that the foundation of the first manual training school in the United States was laid by the will of Dr. John De la Howe, of the Abbeville District. That instrument, which was dated September 7, 1796, devised the bulk of his property to the Agricultural Society of South Carolina, in trust, "for the purpose of establishing and maintaining forever, at his former residence in that district, an agricultural school for twelve poor boys and twelve poor girls, to be boarded and clothed, as well as educated and taught to work." The desire of the testator was that scientific agriculture and especially the science of chemistry should be taught. The Agricultural Society resigned the trust to the State in 1805.

After very many changes in management, and numerous legislative amendments of the original act, the State, several years ago, assumed the trust, appointed a special board of trustees and made a liberal appropriation for its support. The purpose is to carry out as much as possible the wishes of the testator as to manual training, and at the same time to give a home and primary education to a number of worthy youth of Abbeville County.

#### FREE AND PUBLIC SCHOOLS

In 1798 trustees were appointed to establish free schools in Orangeburg, an evidence of the democratic intelligence and ambitions of the people.

The Camden Orphan Society, incorporated in 1787; the St. David's

Society of the "Old Cheraws," incorporated in 1778; the South Carolina Society (1737); the Fellowship Society (1769); the St. Andrew's Society (1729), all of Charleston; the Salem Society, "in the fork between the Broad and Saluda rivers" (1767), and schools at Bullock's Creek, York District; the Waxhaws, Lancaster District and others, conducted schools from time to time, which were more or less "free" or "public," most of them "founded or maintained by charity, and built up along with the churches in the wilderness." Some pupils would pay for tuition, while a certain number in indigent circumstances would come free. This system was much in vogue in New England, where the main purpose was to fit young men for the ministry, and which schools, as modern investigators have shown, were not based, either in scope or object, upon the plan of the public school of the present day. No special attention appears to have been thereafter paid to free instruction throughout the length and breadth of South Carolina, until 1811, or nearly the end of the period covered by this chapter.

#### GOVERNOR EDWARD RUTLEDGE DIES IN OFFICE

In December, 1798, Edward Rutledge was elected governor to succeed Charles Pinckney, and he died in office about a year afterward, on the 23d of January, 1800. He was one of those highly educated and able young men who received his legal training in England and returned to Charleston and South Carolina to participate in the Revolution, civil and military, which made his country independent. In 1774 he served as a delegate to the Congress which met in Philadelphia, his colleagues being his brother, John, Henry Middleton, Christopher Gadsden and Thomas Lynch. Still a member of that body in 1776, he was one of the signers of the Declaration of Independence from South Carolina. He was also a member of the first War Board of the Confederacy. In 1779 he was again appointed a member of the Congress, but illness prevented him from sitting, and when Charleston fell into the hands of the British in May, 1780, he became a prisoner of war, with the rank of lieutenant colonel. After spending eleven months in one of the prison ships at St. Augustine, he was exchanged, returned to South Carolina, was elected a member of the Jacksonborough Assembly and afterward served in the Senate.

At the evacuation of Charleston in December, 1782, Edward Rutledge resumed his law practice in his native town. He served in the State Constitutional Convention in 1790, was returned to the Legislature organized under its provisions, and was the author of the act passed which abolished the right of primogeniture in South Carolina. In 1794, with Charles C. Pinckney, he declined a seat on the United States Supreme bench, and, as stated, was elected governor of the State in 1798. This was his last official position, and his death removed one of the most distinguished members of a family which shared the honors for remarkable talents and achievements with the Pinckneys.

It was during Governor Rutledge's incompleted term, in 1798, that the Legislature divided the State into twenty-four counties, districts and parishes.

#### A FREE SCHOOL IN THE LAURENS DISTRICT

In September, 1799, several months before the death of Governor Rutledge, Dr. Thomas Wadsworth, of Charleston, devised considerable tracts of land, some of it in Laurens District, the proceeds of

which were to be applied by the trustees to the support of a free school for poor children. The provisions of this somewhat remarkable will, relating to the project, were in part as follows: "And I do give and bequeath to my much respected friend, H. W. De Saussure, John Hunter and John C. Calhoun, esquires, in trust for the use and benefit of all that part of Laurens County in Ninety-six district, known at this time by the bounds of Major Dunlap's Battalion of the Saluda Regiment, all the remaining part of my lands of every description and kind, for the sole purpose and use of maintaining and supporting a free school for poor children residing in those limits forever, never to be sold or alienated, except such lands as may lay at a distance which may be exchanged for lands of its full value lying within the aforesaid limits, acre for acre, but not otherwise.

"The said school to be under the direction and government of five trustees, to be elected every two years by the free white men residing within the aforesaid limits. \* \* \*

"If they shall neglect at any time or cease to apply the same (the profits of the estate) for the space of two years to the purpose above mentioned, or shall attempt to dispose of any of said lands or apply them to any other use—then, and in that case, I do hereby revoke this gift and my executors, if alive, or any other person, if they shall be dead, shall have power to take them back and apply them to any other charitable seminary to which the poorer class of citizens in the back country may have easy access for the education of their children.

\* \* \* As it is my opinion that a republican form of government is the best adapted to the happiness of man, it is my wish that the children so to be educated may be well grounded in such principles; that they may be taught early to read republican treatises in order that they may be more acquainted with their own rights and those of others, so that when they grow up they may feel and know their own weight and importance in society and be enabled to defend and support a republican form of government in its purity and which has been constitutionally guaranteed to all the citizens of America."

The lands thus left in the hands of the trustees designated by Doctor Wadsworth were authorized to be sold, by special act of the Legislature, in 1810. Shortly afterwards, sales were made of at least a portion of the lands for the period of ninety-nine years and the proceeds applied both to the erection of a schoolhouse and the support of a teacher. The school was located near a place called Belfast, the home of Col. John Simpson. In the following year, the general State system was inaugurated. Shortly after the sale of the lands in 1810 in fee simple, sale was made of other Wadsworth lands for a period of ninety-nine years. The endowment was lost during the War of Secession. At the expiration of the term of ninety-nine years the lands were obviously to revert to the successors of the trustees and long and vexatious litigation ensued. As a result some of the proceeds of this fund, established 112 years ago, are still applied to the partial support of certain schools in Laurens County.

Doctor Wadsworth's will also indicates that its author was a South Carolinian of independent sentiment and action. He freed his slaves in the following words: "And whereas I have been induced from motives of humanity to set free and emancipate all the negro slaves intrusted to my care, or that I may die possessed of, I do hereby leave them under the special care and direction of the Society of Friends or Quakers, residing on Bush River, Newberry County, in the State of South Carolina; and I do hereby give to that society full and complete authority to receive from my executors titles for as much land as when

divided and laid off \* \* \* will amount to fifty acres for each of my said slaves as aforesaid; except my homestead on Little River, that being otherwise disposed of; and besides the lands aforesaid, I do further give and bequeath to each of my slaves to be emancipated as aforesaid, one good milch cow and a sow, or the value thereof in other stock or farming interests, to be delivered by them to my executors when set free, and which it is my wish should take place as soon after my death as the necessary and requisite arrangements for that purpose can be made, or at any rate within six months thereafter."

#### DRAYTON SUCCEEDS RUTLEDGE

At the death of Edward Rutledge, in February, 1800, the governorship was assumed by John Drayton, the lieutenant governor, a young lawyer educated at Princeton College, New Jersey. He was the son of the famous chief justice, William Henry Drayton. At the end of his term, in the following December, he was elected to the gubernatorial office and served for two years. His "Memoirs of the Revolution in South Carolina" in two volumes and his single volume "A View of South Carolina," Simms considers "useful and authoritative." He was a close, circumspect and industrious compiler.

#### Santee Canal Completed

While serving out the unexpired term of Edward Rutledge, Mr. Drayton saw the completion of the Santee Canal, which had been under way since 1792. It was opened to the public in July, 1798, at a total cost of \$750,000, and a boat loaded with salt went from Charleston to Granby. Connecting the Santee and Cooper rivers, it was twenty-two miles in length, thirty-five feet wide at the surface of the water with a minimum depth of four feet (same as the Erie Canal) and thirteen locks, all built of stone or brick, and was a public work of which South Carolina was justly proud. The same year that work was commenced on the Santee Canal, the State of New York inaugurated the building of a waterway from the Hudson River to Lake Ontario, but after the expenditure of considerable money and the construction of a canal from the Mohawk to Oneida Lake, abandoned the undertaking until 1817. It then resumed the work, but did not complete the Erie Canal until 1825, a quarter of a century after the Santee Canal was opened. Consequently this artificial waterway constructed by the State of South Carolina was the most important work of the kind then accomplished in the United States.

Although the Santee Canal never realized the expectations of its projectors, it served a useful purpose, and was for more than thirty years an important highway, serving to keep down the rates of land carriage between Charleston and an extensive and important region. The defect in the canal was its location across a ridge, and consequently the want of a supply of water at its summit, sixty-nine feet above the tide level.<sup>1</sup> The Santee Canal never accomplished its aim to the full. It partially served its purpose, commercially, and also in the sense that it had its effect of joining the interests of the up- and the low-country and making of South Carolina a more united State than it had been before the waterway was in operation.

<sup>1</sup> W. L. Trenholm's "History of Transportation in South Carolina," Board of Agriculture Report, 1883.

## DEATH AND SKETCH OF JOHN RUTLEDGE

On the 23d of the same month that the Santee Canal was an accomplished fact John Rutledge, even more famous than his brother, the former governor, passed out of life and South Carolina history. One of the most learned lawyers and jurists and most impassioned orators of his day, sharing those characteristics with Patrick Henry, of Virginia, John Rutledge, like so many of his cultured fellow citizens, was brave in a physical sense and more than once was the prime means of stiffening the resistance of South Carolinians when it threatened to weaken before the powerful onslaughts of the British Empire. He was one of the prime movers in the calling of the Continental Congress of 1765 and took a prominent part in its debates, conducted by the leaders of public opinion in the Confederation. The Stamp Act, the Boston Port Bill and all the other measures which led up to the final rupture with the mother country found in him a stubborn and full-armed enemy, and yet it was a long time before he gave up all idea of returning to British rule. He continued to represent South Carolina in the Congress, and during the first year of the Revolution returned to Charleston in order to assume the "presidency" of the State and to become "commander-in-chief." After two years in office, he resigned; was reinstated; was active in the defense of Charleston against British invasion; was again sent to Congress.

In 1784, after a long service in a legislative and executive capacity, John Rutledge was appointed a judge of the Court of Chancery of South Carolina. He was a delegate to the convention which framed the Federal Constitution in 1787, and after that instrument was put in force President Washington appointed him an associate justice of the United States Supreme Court. Mr. Rutledge held that position until 1791, when he was elected chief justice of the Supreme Court of South Carolina. Then came his appointment by the President to the chief justiceship of the United States, which the United States Senate failed to confirm.

This superb patriot, able lawyer, learned judge and brilliant orator, died the 23d of July, 1800, thus surviving his brother, Edward, but five months.

At this time, the beginning of the nineteenth century, the population of South Carolina was 340,591, of which 196,255 were whites and 144,336 negroes.

## OTHER FEATURES OF THE DRAYTON ADMINISTRATION

It is said that Governor Drayton was the first chief executive of South Carolina to make a thorough personal review of the military strength of the State. Wherever he held these reviews, or musters, his presence was the signal for a large outpouring of the people, and they were the means of earning for him an increased popularity.

## SOUTH CAROLINA COLLEGE FOUNDED

Governor Drayton was much interested in the educational development of the state, and his message of November 23, 1801, was the first public document after the Revolution to advocate the erection of a State College. In the same year an act of incorporation was passed for the creation of the South Carolina College at Columbia. Fifty thousand dollars were appropriated for buildings and \$6,000 for salaries, and the college opened its doors to students January 10, 1805, with a faculty of two.



OLD SCIENCE HALL (NOW GYMNASIUM), UNIVERSITY OF SOUTH  
CAROLINA

## GUBERNATORIAL FAMILIES

James Burchell Richardson, who succeeded Governor Drayton in 1802, was the son of Gen. Richard Richardson, a Virginian who moved to South Carolina in colonial times and established the family home in Clarendon County, on the Santee River. There he became a wealthy land owner and rice planter. The general was commander of the colonial forces during the "snow campaign," immediately preceding the Revolution, and obtained wide influence in the up-country before hostilities commenced with the mother country. Although more than eighty years of age, during the struggle for independence, he was considered so dangerous a rebel by Tarleton, the British "butcher" sent to crush the partisans and their followers, that the officer named placed the old man on a horse behind a trooper, ordered him carried to Charleston and imprisoned in one of the British ships in harbor for that purpose, and he was only released in time to be sent home to die. That was the ancestral stuff from which the first of the Richardson family to be elected governor of South Carolina was descended. Two other members of the family have been raised to the governorship—the son of James B. in 1840, and his grandson in 1886.

This remarkable family of "born governors" branched out still further, for it was a Richardson who married Richard Irvine Manning, governor of South Carolina in 1824-26, and who became the mother of another governor, John L. Manning, who assumed office in 1852. The third Manning governor, also Richard I, commenced his term in 1915. Obviously, there has never been an individual identified with the history of South Carolina who has been so closely related to so many governors as the wife of Richard Irvine Manning, the first of that name. She was the wife of a governor, the mother of a governor, the aunt and foster mother of a governor, the sister of a governor and the niece of a governor.

## FIRST REPORT OF STATE COMPTROLLER-GENERAL

The eighteenth century opened with the finances of South Carolina in a state of bewildering confusion, and "it appeared that no man in or out of office was able to tell the amount of debts or of the credits of the State." In consequence, the office of comptroller-general was established and Paul Hamilton, the first incumbent, stated in his final report, in 1804, that the balance due to the State was \$754,555.<sup>2</sup>

## SOUTH CAROLINA COLLEGE OPENED

Paul Hamilton<sup>3</sup> succeeded James B. Richardson in 1804. His administration seems to have been rather colorless, but there were two notable events; a dreadful hurricane which swept the coast in September, 1804, and the opening of the South Carolina College in January, 1805. Its first matriculate was William Harper, afterward chancellor of the State and one of the ablest jurists that have adorned the American bench. Eight other students entered the same day and by July the

<sup>2</sup> "Taxation and Debt," in Board of Agriculture Report, 1883.

<sup>3</sup> In 1809 President Madison invited Paul Hamilton to a seat in his cabinet as secretary of the navy, which office he administered with great efficiency until his resignation in December, 1812. In a letter to Secretary Hamilton, the President bears witness to his "faithful zeal, uniform exertions and unimpeachable integrity" with which he had "discharged that important trust." Governor Hamilton died at his plantation in Beaufort District, June 30, 1816.

number had increased to twenty-nine.<sup>4</sup> The main college buildings had been erected in 1804. The Rev. Jonathan Maxcy, a Massachusetts man, had been elected president. While still in his early '30s he had served as president of both Brown University, Providence, and Union College, Schenectady, New York. He remained at the head of the South Carolina College for sixteen years, until his death in 1820.

Dr. W. A. Schaper justly says: "The credit of originating the idea (of a college) belongs to Governor Drayton, but Henry William DeSaussure and Paul Hamilton put the college on its feet. Once established its success was assured. Here the young men of the various stocks—English, Scotch-Irish, Welsh, German and Swiss—were molded into the typical Carolina gentleman." Its history is intimately connected with that of the State and with the careers of those who have made it an intellectual force in the development of America's political institutions. Much of the prominence of the commonwealth in the councils of the Union, and much of that high sense of honor characterizing her sons in every walk of life, were due to the formative influences of the South Carolina College.

On September 27, 1805—the hero of the defense of Sullivan's Island and the savior of Charleston for the time being, the defender of American prisoners of war while he himself was in captivity, twice governor of South Carolina and one of its greatest and bravest men—Gen. William Moultrie died in the seventy-fifth year of his age.

About this time, Dr. David Ramsay, the widely known historian, introduced vaccination into Charleston; which was only four years after the discovery of the smallpox specific by Jenner. The first person to be inoculated was Nathaniel Ramsay, the son of the physician.

#### CHARLES PINCKNEY'S THIRD TERM

Charles Pinckney succeeded Governor Hamilton in 1806, which inaugurated his third term in the gubernatorial chair. At that time the State was in a remarkably prosperous condition financially, her bills payable aggregating more than \$734,000. The term was especially notable because of the action of its legislators in the matter of extending the suffrage to all white persons, without regard to property qualifications. This radical measure establishing free suffrage in South Carolina far in advance of many of the states eliminated one of the most undemocratic features which still clung to the State Constitution, and was worthy of a Pinckney.

#### JOHN DRAYTON'S SECOND TERM

John Drayton's second term as governor, which followed Charles Pinckney's third term, covered 1808-10 and was characterized by his continued interest in things educational, particularly with the progress of higher education as exemplified by the growth of the South Carolina College. The Federal census which fell in the last year of his administration, showed a large increase in population, especially in the negro element. The figures indicated that South Carolina then had a population of 415,115—214,196 whites and 200,919 negroes. Within the next decadal census the negro population had overtaken the white, and has since maintained its ascendancy. It was estimated that the State had a settled area of 407,945 square miles, or a population density of 13.8 inhabitants per square mile.

<sup>4</sup> "Sketch of Education in South Carolina," by Professor R. Means Davis, in Board of Agriculture Report, 1883.



## GOVERNOR HENRY MIDDLETON AND FREE SCHOOLS

When Henry Middleton succeeded John Drayton as governor, in 1810, an able man, and the representative of one of South Carolina's historic families, stepped into the arena of State and international politics. Born on the Middleton estate, lying on the Ashley River, in 1771, he accompanied his father, who served as a delegate to the Continental Congress in Philadelphia, but owing to the breaking out of the Revolution during his youthful days and the consequent disorganization of all family plans, his early education was neglected, although after the peace he enjoyed the benefit of private tutorship and a trip to Europe. During the French Revolution he was abroad, served in the State Legislature in 1801-10, and in the latter year was elevated to the governorship.

The most important measure which developed from his administration was the act establishing a system of free schools in South Carolina.

On the 26th of November, 1811, the governor urged the establishment of a free school system, and on the following day petitions were presented asking for legislative action toward that end from citizens of Fairfield, Chester, Williamsburg, Darlington, Edgefield, Barnwell, York, St. Stephen's, St. James's Santee, St. John's Colleton and St. Peter's. A joint committee was appointed to forward the movement, which evidently had the popular approval, with Stephen Elliott as chairman. A bill drawn by Mr. Elliott was reported by the committee, passed the Senate without the roll call and was adopted in the House by a vote of 72 to 15.

"This act established in each district and parish free schools equal in number to the representatives in the lower House. Elementary instruction was to be imparted to all pupils free of charge, preference being given to poor orphans and the children of indigent parents. Three hundred dollars per annum was the sum voted to each school. Commissioners, varying in number from three to eleven in each district and parish, serving without pay and without penalty, were entrusted with their management. Until a sufficient number of schools should be established, the commissioners were permitted to move the schools annually, but no schools should be established until the neighborhood had built a school house." The aggregate appropriation was about \$37,000 a year. The free school system having been thus inaugurated, vigorous efforts followed to put it into successful operation, but its radical defects, which were not remedied until many years afterward, were that careless inefficient teachers were employed, that school commissioners were criminally careless in their financial reports, that penalties were not provided for non-enforcement of the law and that no one was designated as an officer to enforce it.

## SECOND WAR WITH GREAT BRITAIN APPROACHES

Henry Middleton was still governor of South Carolina when the aggravations and oppressions practiced upon American seamen and the maritime freedom of the commerce of the United States culminated in war with Great Britain. The Jay treaty had become a dead letter and as intimations that these repeated outrages on the seas were leading to war had no apparent effect, William Pinckney was recalled from the Court of St. James, where for five years he had been serving as the American ambassador.

## ENTER JOHN CALDWELL CALHOUN

South Carolina had just sent to Congress, as a representative of the district comprising Abbeville, Newberry and Laurens counties, the young lawyer and orator, John Caldwell Calhoun, who, after a thorough grounding in the classics, had gone to the North, graduated with distinction at Yale and finally graduated from the Litchfield Law School. Five years of law practice in the Abbeville district, in which his father, Patrick Calhoun, had played such a leading part in the pioneer times of the up-country, had confirmed and broadened his reputation as a ready, graceful, shrewd and learned debater and political speaker. His first term in Congress, which was to be the prelude to forty years of eminent public service, was preceded by two terms in the State Legislature.

## CALHOUN, CHEVES AND LOWNDES

When he entered the twelfth Congress of the United States, in 1811, Mr. Calhoun was immediately appointed to the Committee on Foreign Affairs and soon afterward was named as its chairman. Langdon Cheves, also a native South Carolinian and a successful lawyer, subsequently speaker of the House of Representatives and after his congressional term eminent as a judge and financier, was chairman of the Committee on Naval Affairs. William Lowndes, son of Rawlins, who has already figured in the political history of his state and country, was one of the three distinguished new members elected to represent South Carolina in Congress. Although he had been admitted to the bar he had practiced but little, but had spent a number of years, previous to being sent to Washington, in the work of rehabilitating his large rice plantation which had been devastated by a hurricane.

William Lowndes was to really commence his remarkable career in Congress several years afterward in connection with the establishment of a great National Bank, as chairman of the Ways and Means Committee and of the Foreign Relations Committee and as the author of the first tariff measure to protect the infant manufactures of the United States.

David Rogerson Williams, who was afterward to be identified with the development of the cotton industries of the state and with its recuperation as governor, immediately following the close of the War of 1812, was already in Congress and held the important position of chairman of the Committee on Military Affairs.

So that South Carolina men were again to the fore in all the steps leading to the declaration of war against Great Britain.

## PITIFUL NAVAL RESOURCES

On November 19, 1811, Mr. Cheves, in behalf of the Committee of Naval Affairs, addressed a letter to Paul Hamilton, former governor of South Carolina and then United States secretary of the navy, requesting a full statement of the country's resources as a resisting force in case of war with Great Britain. The account presented by the secretary of the navy would have been disconcerting to timid patriots. He reported that the United States possessed half a dozen frigates and several gunboats, all in bad order, hardly any stock of munitions and not a single dry dock. The vessels had to be "heaved down," that is, turned on their sides, for repairs. It was generally

understood that the condition of the navy was not his fault; he had received it thus from his predecessor, and Congress would vote no money to improve it. "How the War party dared throw the gage of battle with the fleet in this state, when England had a thousand ships, God and their own stout hearts only knew."

This correspondence was followed on January 18, 1812, by a bill brought in by Mr. Cheves in favor of appropriations for both army and navy, advising a levy of \$2,000,000 and possibly \$10,000,000 more, a monstrous sum according to the ideas of that day. It so shocked the Washington correspondent of the "Charleston Courier" that he writes: "If the good people of South Carolina do not shortly request your Cheves and Williams and Lowndes, notwithstanding their abilities, to stay at home, they will deserve the evils they must suffer."

#### WILLIAM LOWNDES'S SPEECH

Mr. Lowndes vigorously supported the bill brought in by Mr. Cheves, and among the addresses delivered before Congress in its favor none were more to the point, or showed a more thorough mastery of the facts and the general situation. He was especially insistent on the necessity of adequate preparation on the part of the navy, or rather the vital need of bringing one into existence. For instance, in addressing the naval committee, he said: "But the greatest difficulty in the subject before the committee consists in the question as to the adequacy of the force which has been mentioned. I have said that I believe (with my colleague) that in the present state of Europe twelve 74's and twenty frigates may reasonably be expected to give us the command of the American seas. I do not mean that they would prevent British vessels from ever appearing off our coast, but they would prevent their maintaining a permanent station there; they would prevent their blockading our harbors.

"What force must England maintain in order to blockade forts on this side of the Atlantic? It has been said a force at least triple that which is blockaded. This opinion (which is supported by high professional authority) has been supposed to rest on the necessity of what may be called a double relief of vessels. But, without expressing any opinion in regard to this argument, it is, I think, sufficiently clear without it that England, in order to blockade our fleet, must maintain three ships for one.

"The accidents to which a blockading squadron on our coast must be always liable—the probability of being scattered, of one of its vessels being dismantled and obliged to go for repair to some distant port—would render it not only dangerous, but desperate, to attempt a blockade with equal numbers; because the equality will soon cease. It is not to be presumed that England would attempt to blockade twelve ships of the line in American ports by fewer than eighteen of her ships. Now, these vessels could not remain at sea forever. They must be relieved; they must be repaired. For this purpose (without considering victualing and watering) eighteen other ships would be indispensable. Thirty-six ships of the line, then, would be necessary in order to give England the command of the American seas. Could she spare these?

"To show that she could not, my colleague has mentioned the stations occupied by her squadrons, and has asked which of these could be prudently weakened? The conclusion which he has made from this induction is confirmed by the history of the naval actions of the present and the last war. In Lord Howe's victory, in Lord St. Vincent's at the

battle of the Nile, of Camperdown, of Trafalgar—in all these, the English force was inferior to that of their enemy. Battles, on the issue of which depended the possession of a most important province—the dominion, perhaps, of the seas, the safety of the State—have been trusted to fifteen and twenty ships. In the battle of Cape St. Vincent the disparity was fifteen to twenty-seven. Why, in these important actions, did England suffer her fleets to be outnumbered? Do gentlemen suppose it was from a spirit of chivalry; from a romantic valor which disdained to calculate the number of its enemies? They do the English admiralty great injustice. The inferiority was the result of necessity and not of choice. And if they could detach but thirteen ships of the line to dispute the conquest of Egypt, it should seem improbable that they can spare thirty-six to dispute the command of the American seas.

“At some future time, however, some of these gentlemen appear to think it not impossible that it may be wise to build a navy. But what are the circumstances which can render it wise to build one hereafter, and which do not require it now? Shall we build one, when we have all the materials and artisans which are necessary to its construction? We have them now. Shall we build one when the number of our seamen enable us to rank among the first naval powers of the world? In the number of our seamen we are now inferior only to England. But perhaps we may have no occasion for a navy. Perhaps we have found that without one our commerce is everywhere undisturbed, and all the nations of the old world friendly and just. There is scarcely one which has not plundered us. We have now the means. We now feel the necessity for a naval force. The arguments by which it is assailed now may be employed as well at any future time to perpetuate our dependence on the nations of Europe.

“But the command of the American seas could not, it is said, if you had it, secure your commerce. Your ships beyond the Cape of Good Hope, in the Baltic, on the coasts of France, could not be benefitted by it. It would secure your seacoast from being plundered or ravaged. It would give direct protection to the coasting trade, which is acknowledged to be more important than any other. It would indirectly protect all your trade, because it would render it to the interest of every nation to respect the rights of a people who would not receive in war more injury than they could inflict.

“It was said in some former debate (by Mr. Clay, speaker) that the true motive of the injuries which England has done us was her jealousy of a commercial rival. I believe this to be the opinion of the committee. But it is strange that those who entertain this opinion should expect to obtain an honorable peace without any naval exertion. If Canada be conquered (as they say that in that case it must never be restored), it is not easy to discover any strong inducement to peace, which England would have, in the consideration that you had her colony and meant to keep it. To succeed in a negotiation with a rival people, you must convince them that they will gain as much as you by the treaty which you propose.

“To terminate your war with England honorably, you must know that she will lose as well as you by its continuance. But when your whole trade—your foreign and your coasting trade—is destroyed (and without a naval force it seems to me that it must be), what argument would your most dexterous mediator employ to show that the loss of England would be equal to your own from the continuance of the war? What equivalent would he offer her for the restoration of that commerce which peace would give you? What passion, or what inter-

est on her part would he oppose to the commercial jealousy which the war would gratify, but would not satiate? I know not.

"But if the resources of the country be employed prudently, economically, vigorously, in the acquisition of a naval force—the command of your own seas obtained, your coasting trade protected, the West India trade of your enemies threatened—then indeed you may negotiate on equal terms. You may obtain respect for your flag, without sending a national ship there, in every sea of Europe and Asia, and will be paid, in return, for the safety which peace with you must give to the trade of England, with her colonies. Your war will then have been honorable. Your peace will be secure."

The bill introduced by Mr. Cheves and supported, as to the navy, by Mr. Lowndes and other patriots in Congress, was opposed by not a few on the ground that a navy was not a necessity; was, in fact, dangerous to the liberties of the country; that privateering was much more effective and therefore preferable to an expensive navy. But preparedness finally carried the day, and Mr. Calhoun, then chairman of the Committee on Foreign Relations, brought in the report indicting Great Britain and determining the formal declaration of war by Congress on June 19, 1812.

In many places, especially in the centers of population in New York and New England, the news of the declaration was received with profound dissatisfaction. The South, however, had gradually been worked up to a deep-seated wrath at the impositions heaped upon the United States by the Mistress of the Seas, and in Charleston,<sup>5</sup> where the opposition had been so strong, the declaration of war was received with unexpected favor. A meeting was held in St. Michael's Church, attended by all the principal citizens, with John Julius Pringle, long speaker of the General Assembly, in the chair. Mr. Pringle was then the leading lawyer of the state, and all men knew that General Washington himself had made him district attorney of South Carolina, and that Jefferson had offered him the position of attorney general of the United States. His opinion, therefore, had great weight. The Charleston meeting passed resolutions in approval of the declaration, promised loyal support to the government and commended the South Carolina congressmen for the position which they had taken. Similar expressions of opinion emanated from other bodies throughout the State.

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<sup>5</sup> Mrs. St. Julien Ravenel's "Life and Times of William Lowndes."

## CHAPTER XXXV

### SOUTH CAROLINA IN THE WAR OF 1812

The War of 1812 was waged mainly during the administration of Governor Joseph Alston although there were several spirited engagements along the coast, and peace was formally declared during the term of his successor, Governor David R. Williams. Apart from the interruption of her commerce and occasional predatory excursions and raids by the British warships on the coast, the State suffered little and played no very conspicuous part outside the halls of Congress. Presi-



THE JACKSON VASE

Presented to General Jackson by the ladies of South Carolina, soon after the battle near New Orleans, January 8, 1815

Through the courtesy of A. S. Salley, Jr.

dent Madison nominated General Dearborn senior major general to command the northern half of the republic, and Thomas Pinckney to command the southern half including all the territory from the southern boundary of Virginia to the Mississippi and a part of Louisiana. Except the grand finale at New Orleans all the main engagements were along the Canadian border, and there is little that appeals to patriotic ardor or the pride of country until Harrison, Winfield Scott and Andrew Jackson took charge. The State, however, made preparations for invasion. Fortifications were raised in and around Charleston, and such places along the coast as were available for the landing of the enemy were put in a condition for defense and manned

with troops.\* Port Royal entrance could not be defended, it was too big, and so the British fleet easily entered that finest of Southern harbors, sent foraging horse-marines to rob the nearby plantations and seriously threatened the little town of Beaufort. In Charleston it was determined to fortify the city on the land side by a line of works from the Ashley to the Cooper rivers. On this wall of earth, said to have been ten feet high and fifteen feet thick, with a ditch in front ten feet deep and twenty feet wide, seventy-eight pieces of cannon were mounted, the lines being manned by 7,000 men. E. S. Thomas says: "This great piece of work was the production of the citizens and their slaves. A large sum was subscribed to pay laborers. All took their turn at work—even ladies, to the number of several hundred, marched out and carried sods all one day. It was a glorious sight to see the patriotic enthusiasm which prevailed. The British officers that came to Charleston immediately after the peace, pronounced it the handsomest and best put together piece of field work they ever saw."

The popular slogan was "Free Trade and Sailors' Rights." Outside of New England this appealed to coast cities and maritime states but the farmers in the interior throughout the Union were not affected and were very slow to enlist. It is said that one command from the up-country of South Carolina, quartered on the seacoast, finding they had no British to fight and wearying of fighting mosquitoes and sand-flies, incontinently marched back home. A court-martial followed, but with the coming of peace no punishment was inflicted, and the countrymen rewarded their doughty leader by electing him to Congress.

#### OPERATIONS IN CAROLINA WATERS

Although William Lowndes was unalterably opposed to privateering, Charleston sent forth a number of private armed vessels which did great injury to the commerce of Great Britain. Several events occurred near the coast which rivaled in brilliancy and pluck the exploits of hundreds of northern privateers. Among these was the capture of the *Dominica*, in August, 1813, by the *Decatur*, a private armed vessel of Charleston commanded by Captain Diron. That brave officer succeeded in boarding the British frigate and, firearms being useless, the fight was carried on with cutlasses. The captain and chief officers of the enemy vessel were killed, the decks covered with killed and wounded, and the British colors finally hauled down.

In January, 1814, another sea fight occurred near Charleston. This engagement was between the American schooner *Alligator*, commanded by Sailing Master Bassett, and a British frigate and brig. The crew of the British ships attempted a night boarding attack on the *Alligator* as she lay off Cole's Island. The American seamen were outnumbered ten to one, but they drove off the British sailors, inflicting heavy losses and themselves escaping with two men killed and two wounded.

The British made several descents upon the Carolina coast. Once they landed on Dewees's Island, just north of Charleston, burnt some small craft and plundered several of the seashore plantations. They also visited Capers's and other islands near Charleston and carried off livestock and provisions. They landed in force on Hilton Head, near Beaufort, and repeated their plunderings. These places were all unprotected, and with a population too small and widely scattered to offer

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\* "Reminiscences of the Last Sixty-five Years," E. S. Thomas, Hartford, 1840.

resistance. At one time Charleston was blockaded by the British, who took many rich prizes.\* The direct effect of the War of 1812 upon South Carolina was therefore slight, and did not tend to retard her progress as a State.

On January 14, 1813, Mr. Cheves made the last great speech of the House on "Additional Military Force," and at its close it passed—77 for and 42 against. Mr. Williams, the chairman of the military committee, who had expected to close the debate, was indisposed and Mr. Cheves took his place. The last bill introduced by Chairman Williams was to provide for the appointment of six major generals and six brigadier generals. Under the law which resulted Thomas Pinckney was made major general and assigned to the Sixth District. Altogether President Madison honored South Carolina by giving her one-sixth of the generals authorized by Congress.† Wade Hampton was appointed a brigadier general. Mr. Williams was assigned to command the Thirty-Eighth Regiment, of the Ninth Brigade, Northern army, with Erasmus Powe as brigadier general. He afterward became brigadier general himself and in that capacity participated in the plans carried out for the protection of Fort George and the northern frontier in general.

General Williams was subsequently called to the south to join the southern army under General Pinckney, that directed against the Creek Indians, but he does not appear to have made any positive military reputation in that connection, resigned his command and returned to his plantations in the Welch Neck of the Great Pedee.

#### COMPARATIVE NATIONAL RESOURCES

In 1814, Benjamin Elliott of Charleston published a pamphlet showing the "Means and Benefits of Prosecuting this War against Britain." As historians, we are chiefly interested in the "means," and not the speculative benefits which might be derived from the War of 1812. For instance this parallel is enlightening:

DURING THE REVOLUTION	DURING THE WAR OF 1812
Population, 2,500,000.	Population, 8,000,000.
Militia, 350,000.	Militia, 1,500,000.
Military supplies: A few foundries for cannon; a little clothing and provisions.	Military supplies: 530 forges, foundries and bloomeries; 207 powder mills; small arms, provisions and other equipment in abundance.
Maritime force: Seamen, 16,000.	Maritime force: Seamen, 130,000.
Privateers: Numerous.	
Privateers: Triple in number.	
Navy: Thirteen small frigates, rating from 24 to 32 guns, with smaller vessels.	Navy: Four sail-of-the-line, rating 76 guns; 14 frigates, from 32 to 44, with smaller vessels.
Foundation of credit: Industry of 2,500,000 people.	Foundation of credit: Industry of 8,000,000 people.
Vacant land: About 200,000,000 of acres.	Vacant land: Certainly 400,000,000 acres; perhaps, 700,000,000.
Value of exports: \$12,000,000.	Value of exports: \$108,000,000.
Army supported: 46,800 men.	Army supported: 50,000 men.

\* Simms's "History of South Carolina," edition, 1860.

† Dr. Harvey T. Cook's "Life and Legacy of David Rogerson Williams."



## DURING THE REVOLUTION

Foreign aid: France, Spain, Holland; other powers useless.

Disaffected: One-fourth.

Effects of the war: The whole country devastated; internal improvement destroyed; government annihilated.

## DURING THE WAR OF 1812

Foreign aid: France, Holland, Italy, Denmark; all made doubly powerful by the genius of Bonaparte. Other nations affording valuable commerce, and wishing us success.

Disaffected: One-sixteenth.

Effects of war: Seacoast a little infested; internal improvement, incredibly accelerated; government perfecting.

## COMPARATIVE GUN STRENGTH

Naturally, as the war progressed, the English newspapers and naval authorities "vaunted themselves" over the traditional glory of the British navy. Quite as naturally, Americans met such verbal assaults with the same vigor which sent their ships against the enemy on the high seas. Mr. Elliott prefaces a little article, taken from Clark's "Sketches of the Naval History of the United States," with the vitriolic remark that it "exposes the subterfuges under which the vanquished bully would skulk from the taunts of a long-outraged but now exultant world."

In these days of dreadnaughts and super-dreadnaughts and submarines, the British and American warships of the War of 1812, which demonstrated "the sea power in history" over a hundred years ago, appear as toy boats in comparison with the Leviathans of 1914-1920.

"Much has been said," the paper commences, "on the disparity of force between the American forty-four gun frigates and the British thirty-eight, the rates of the Constitution and Guerriere. It will, therefore, not be out of place to give a comparative view of the force of each. Both the American 44-gun ships and the British 38-gun ships are constructed on the same principles, and their guns are placed in the same relative position, forming batteries of a similar nature. The guns in each ship are placed on the main or gun-deck, the quarter-deck and the forecastle.

"The gun-deck, which may be considered as a line of defence, is about 176 feet long in the American 44-gun ships, and about 160 feet in the English 38-gun ships. The line of defence, therefore, in the American 44-gun ships exceeds the English by about 16 feet. But it is to be observed that the length of the line of defence by no means implies strength. This essentially consists in the number of guns that can be placed in battery with advantage, in a given line, and the strength of the ramparts and parapets—in which light the sides of the ship may be considered.

"A line of defence of 200 feet, mounting 30 guns in a battery would be about one-fourth weaker and produce an effect one-fourth less than a line of defence 150 feet mounting the same number of guns. The American 44-gun ships mount 30 twenty-four pounders on the gun-deck, 24 thirty-two pound carronades, and 2 eighteen pounders on their quarter-deck and forecastle, besides a 24-pounder shifting gun. In an engagement between ship and ship, the effect produced is by the broadside, or the number of guns placed in battery on one side of the ship. So that only half the number of guns in a ship can be considered as placed in battery in its length, or line of defence.

"The number of guns, therefore, of the American 44-gun ships placed in battery in its line of defence of 176 feet will be 28. The number of guns in the English 38-gun ships placed in battery in its line of defence of 160 feet will be 24; but, as they carry a shifting gun, which may be placed in battery on either side, the number will actually be 25. So that the number of guns in battery in the American 44-gun ships will exceed those in the English 38-gun ships only one-tenth. But the American line of defence is one-tenth longer, and consequently would be one-tenth weaker than the English, if it had only the same number of guns in battery. Consequently the force of each, when the line of defence and number of guns placed in battery are considered, is about equal.

"The American 44-gun ships carry 24-pounders on their gun-decks; the English, 18-pounders. But are not 18-pounders sufficient weight of metal for the service of large frigates, and fully calculated to produce every effect that may be required in an engagement between frigates? It has, moreover, been asserted by the officers of the Constitution that the shot of the Java 18-pounders were only three pounds lighter than those of the American 24-pounders, after accurately weighing them both. So that consequently the difference in weight of metal was only one-eighth.

"It has often been asserted in the British newspapers that the American frigates are only 74's in disguise. It has also been asserted by an English naval commander, in his official letter, that the American 44-gun ships were built with the scantling of a 74. If, by this assertion, he meant to insinuate that the American 44-gun ships were of the same nature as a 74, or ships of the line, he has manifested an extreme want of candor, or want of professional knowledge. Seventy-four gun ships are all of the line; that is, they have guns mounted on two decks extending the whole length of the ship, or its line of defence, besides those on the quarter-deck and forecastle; and, in addition to these, there are guns on the poop.

"The length of the line of a 74 is about the same as that of the American 44-gun ships. A 74-gun ship mounts about 88 guns; consequently the number of guns placed in battery in her line of defence will be 44 guns, and in the American frigate of forty-four guns, only 28 in the same line of defence. Therefore, the strength of the line of defence of a 74 is not far from double that of an American 44-gun ship, considered in respect of the number of guns—without taking into consideration the difference in weight of metal and the compactness and strength of sides. This, we believe, sufficiently demonstrates the illiberality and absurdity of comparing the American 44-gun frigates with the 74's, with a view to disparage the rising glory of the American navy and to depreciate the noble exploits of her gallant tars."

#### DAVID R. WILLIAMS BECOMES GOVERNOR

When General Williams retired to his farm on the Great Pedee, after his resignation as brigadier general, his neighbors and admirers gave him the title of "Thunder and Lightning Williams," but he was not long to rest in retirement. In December, 1814, the Legislature nominated him for governor of the State by an overwhelming vote, and both bodies elected him by as flattering a majority. Although his military record had not been notable, neither had that of any landsman connected with the American forces with the exception of General Jackson, not even Gen. Thomas Pinckney himself. The very obvious explanation of the fact was that the land engagements, with the excep-

tion of the New Orleans affair, were not the decisive factors of the War of 1812.

#### "THE CINCINNATUS OF SOCIETY HILL"

General Williams' career in Congress, however, had stamped him as a strong and able patriot. The Legislature of 1814 "seemed not to be satisfied to elect either of the avowed candidates for Governor." Several of the members from the up country were discussing the election, the name of Williams was suggested and the statement made by a Darlington friend that "he knew the General did not desire the office, but he knew he had never refused to serve when elected." His name was put in nomination and he was selected by the Senate and House of Representatives by an overwhelming vote.

A messenger was sent to Society Hill to inform the general of his election and receive his answer. The political agent met a rustic driving a wagon near the Hill and inquired of the man if General Williams was at home; the rustic answered that the general was not at home, as he was the man sought. The messenger could hardly believe the assertion, but delivered the written message.\* The general read it and swore he regarded it as the greatest misfortune of his life. However, he said to the messenger: "Go home with me and I will send an answer in the morning." He accordingly wrote that he would be in Columbia on the proper day and take the oath of office.

#### THE INAUGURAL

General Williams was elected governor of South Carolina on the 10th of December, 1814, and inaugurated on the 17th, just a week before the peace with England was signed at Ghent, although it was not ratified until the following February. The correspondent of the Carolina Gazette, who reported the inaugural ceremonies, was duly impressed with the solemnity and grandeur of the occasion. On the day appointed for his inauguration the governor-elect arrived in Columbia on horseback, in the presence of a great crowd which had collected to see him and witness as many of the ceremonies as were possible. General Williams dismounted, hitched his horse at a rack which then stood near the wall before the State House, and was then presented to the two houses of the Legislature by a committee appointed for the purpose. (Judge) John Belton O'Neill, who witnessed the inaugural from the gallery and years afterward recorded it in his "Bench and Bar," gives perhaps the most authentic account of the event.

O'Neill says: "General Williams was introduced by a committee of the Senate and House and stood in front of the speaker. I saw him then from the gallery for the first time. He was in blue broad-cloth dress coat and vest. His face was a slim, florid one. He was not more than four feet eight inches in height, of a full habit, inclining to corpulency. His portrait in the college library by John S. Cogdell is a good likeness as he stood before me that day. His speech was one which went home to every heart. As soon as he had taken his oath, his commission had been read in the Senate Chamber, and he had been proclaimed by the sheriff of Richland from the eastern portico of the State House, I, with Captain John Henderson, Colonel James Williams and Captain George Creeliss, three of the members from Newberry,

\* Dr. Harvey T. Cook's "Life and Legacy of David Rogerson Williams."

started to walk to our lodgings. Henderson said to Williams, 'That is none of your d—d raccoon governors.'"

#### THE STATE TO THE RESCUE OF THE REPUBLIC

While the outcome of the War of 1812 hung in the balance, although negotiations looking toward peace were in progress, the new governor came to the rescue of the Union by turning into its almost exhausted treasury a sum sufficient, in those days, to turn the scale in its favor. Although South Carolina was primarily concerned, had the State not promptly supported the general government, the national morale would undoubtedly have been seriously imperiled. The following letter to the secretary of the treasury of the United States, written by Governor Williams on December 22d, five days after he became governor and two days before the peace was signed at Ghent, explains the entire matter:

"Executive Department,  
"Columbia, Dec. 22, 1814.

"Sir: On the 21st inst. I received a letter from Major-General Pinckney, covering several others, the purport of which was to inform me that the funds of the General Government at his disposal were exhausted and that the troops now in service for the defence of this State could not be subsisted without money, and suggested the propriety of my recommending to the Legislature the expediency of an appropriation, in relief of the finances of the United States at this moment.

"I have the pleasure to inform you that two hundred and sixty thousand dollars have been placed at the disposal of the government by the Legislature last evening. This disposition of the State manifests the continued good will and faithfulness which our citizens feel toward (sic) the administration; in return for which I cannot but crave their special care for its defence. I hope it is unnecessary to add that my individual and official efforts will not be wanting in aiding the government whenever in my power.

"Respectfully yours,  
"D. R. Williams."

The governor's letter does not tell the whole story of the patriotic devotion of the people in the War of 1812; for the people, and the city of Charleston especially, were suffering keenly in a financial way. The enemy's fleet caused importations to cease, by blockading the ports and capturing the small coast vessels. As commerce disappeared, cotton and rice became unsalable, to the detriment alike of the farmer and the city resident. This loan and assurance of Federal protection to the State's interests, to the limit, undoubtedly established public confidence, and safely bridged the anxious days and months preceding the signing of the treaty and its ratification by the United States Senate.

#### MILITARY PRECAUTIONS TAKEN BY THE STATE

In the meantime, both the national and the state administrations continued the most vigorous measures looking to the prosecution of the war. On the day that Governor Williams formally placed the \$260,000 of State funds at the disposal of the general government for the special defense of South Carolina, he was elected major general of the Fourth Military Division, and proceeded to take the practical steps, as commander-in-chief, to accomplish this purpose. On the 23d

of December, 1814, he visited and gave orders to repair the arsenal at Camden. After spending Christmas at Centre Hall, he visited Charleston and its arsenal and indicted a letter to Secretary of War James Monroe, in which was transmitted a copy of "an act to raise a brigade of State troops" for service during the war. It also contained a discussion of some nice points liable to be raised in the co-operation of State and national forces. He informed the honorable secretary that he had not communicated with General Pinckney on the subject, "because it may never be necessary for him to know that I have ever thought of it; we have difficulties enough to encounter that spring out of the pressure of the times; inevitably, such as can be avoided will never be solicited by me." Fortunately, this threatened clashing between State and national authority in military matters never had to be adjusted.

Governor Williams' voluminous diary is authority for this and other interesting and enlightening facts bearing upon this momentous era. On January 14, 1815, it contained this entry: "Almost the whole day was spent in viewing the lines and works erected for the defense of Charleston (weak on the left flank). General Pinckney very politely attended me with his suite."

\*On the 30th of January, 1815, the Governor returned to Charleston, after having explored the inland navigation as far as the northern extremity of St. Helena. He selected as the four chief points for fortifications, White Point, Fenwick's Island, Field's Point and the extremity of St. Helena, also reviewing the militia of the city. Many men of age and respectability were found in the ranks. He found the officers looking well, but fewer arms and men than he expected. His next serious business was the classification of the militia, but the raising of the new brigade and other contemplated preparations for defense were suddenly brought to a standstill.

#### NEWS OF THE TREATY OF PEACE

On the 19th of February, 1815, while at Centre Hall, he received the intelligence of the arrival at Washington of the Treaty of Peace. He was soon in Charleston where he had peace proclaimed by the sheriff throughout the city. "The ratification of the Treaty of Peace," he said in his instructions to the forces under him as commander-in-chief, "between the United States and his Britannic Majesty suspends the necessity of holding the militia of the State in the classes as proclaimed by the General Orders of the 4th inst.; they are therefore dismissed and the returns dispensed with." Seventeen regiments were thus disbanded, the Governor himself being generally present at their several places of discharge.

#### CLOSE OF WILLIAMS' ADMINISTRATION

With the disbandment of the State militia, the general government which, under the Constitution, had organized and conducted the national defense, proceeded to divide the military arms among the different states. In the fall of 1815, 763 stands of arms had been sent to South Carolina as its quota, but there was some technical trouble over the actual delivery to the State, which naturally nettled Governor Williams, in view of the liberality of the Legislature in voting funds for that home defense which really fell within the duties

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\* Dr. Harvey T. Cook's "Life and Legacy of David Rogerson Williams."

of the general government. The settlement was probably somewhat retarded by the resignation of General Pinckney from the command of the Southern army.

Besides bringing to a civil and political close the War of 1812, as it effected South Carolina, Governor Williams also pushed to completion the settlement of the boundary dispute between North and South Carolina and the purchase of some land, within the home State, which had remained in the hands of the Cherokees. His administration closed in December, 1816, and was concluded by an able message touching on its chief events and measures. Through the use of the State militia, he had quelled two negro uprisings, either of which might have reached dangerous proportions had the measures which he promptly enforced been lax. The scenes of the threatened insurrections were the marshes along the Combahee and Ashepoo rivers and the neighborhood of Camden.

Governor Williams retired to his cotton plantation and factory at Society Hill, with a strengthened and extended reputation as public man and a patriot both of national and state caliber. Thereafter, although his interest and participation in the political movements of the United States were keen, they were not practically active, and had more to do with his career as an industrial pioneer than as a general public character. And yet, though he was both a planter and a manufacturer of cotton, he fought the tariff as bitterly as Calhoun did, in after years.

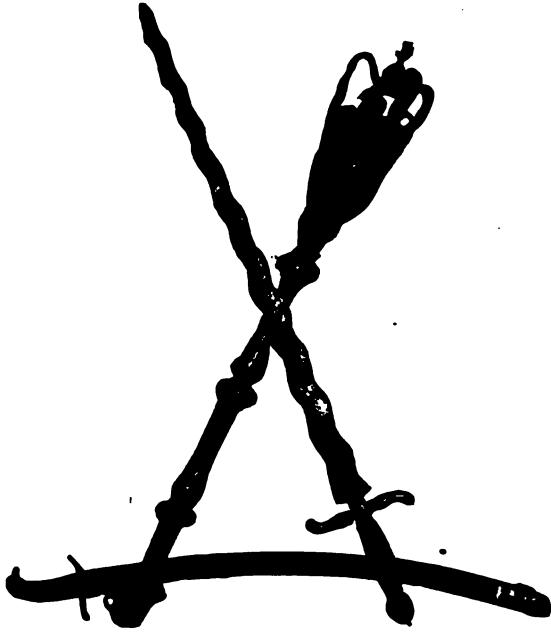
South Carolina now ranks high among the cotton textile states. That she did not attain preeminence earlier was no fault of Governor Williams.

This fact appears of record in the columns of the *Columbia Telescope*, which stated in March, 1816: "His Excellency, Governor Williams, in company with Mr. Matthews, has erected in the vicinity of Society Hill, a manufactory for spinning cotton yarn. The number of spindles at present employed is three or four hundred; but the works are now enlarging and it is expected a thousand spindles or upward will be in motion in course of the present year. This establishment, so honorable to the founders, promises, we are glad to hear, a handsome remuneration of profit. \* \* \* Cotton could, with advantage, be exchanged for yarns, and it is now almost universally done in the neighborhood of Society Hill."

These promises were not realized, although, to facilitate trade, a store was opened in connection with the factory under the firm name of Bruce & Williams. It is not of record whether the surplus yarn made at the Williams-Matthews mill went down the river to Georgetown and other places, or was retailed by peddlers, as was done in the Piedmont section. The lack of facilities for distributing the products, as well as the sparse population, kept the mills small, or caused them to shut down a part of the time. There were other serious drawbacks to the mill industry. Three panics occurred in fourteen years, and the price of the staple in the earlier years made cotton raising more profitable than turning it into thread.\*

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\* Dr. Harvey T. Cook's "Life and Legacy of David Rogerson Williams."



#### THE SOUTH CAROLINA MACE OF STATE

The Mace of State crossed with the double-edged sword, which is swung upon the desk of the lieutenant governor when the Senate is in session, as the sign of authority. According to one of the historical bulletins of A. S. Salley, Jr., secretary of the Historical Commission of South Carolina, the silver mace (with gold burnishing) was made in London in 1756; disappeared during the later period of the Revolution while the British occupied Charlestown, and was recovered in 1819 by Langdon Cheves, of South Carolina, who found it in a vault of the Bank of the United States, while he was in Philadelphia as president of that institution. It is believed to be the only mace in use in the United States which antedates the Revolution.

## CHAPTER XXXVI

### EIGHT MOMENTOUS YEARS (1816-1824)

Andrew Pickens, the son of the old Revolutionary hero and partisan, succeeded David R. Williams as governor in January, 1816. Peace had come again to the State and the country and the people of South Carolina turned their attention to the utilization of such waterways as the Santee Canal and the improvement of the other rivers and streams of the State. Even while the war was in progress, such enterprising merchants as Ker Boyce, of Newberry, commenced to trade overland with Philadelphia. Cotton was hauled thither and goods brought back in wagons. Messrs. Boyce and Thomas Pratt annually mounted their horses and rode to Philadelphia, purchased their goods and returned to Newberry. In 1815, at the end of the war, they turned their attention to the South, visiting Amelia Island, Florida, on horseback, purchasing there a stock of goods and sending it back to the Newberry region by wagons.\*

These operations ceased with the Peace of 1815, and they were perhaps only rendered possible by the embargo laid by Congress, which made it necessary for the merchants to seek their goods and markets overland. But such journeys afar served to show that the commercial ties binding the richest portions of the State to Charleston, then the State's emporium would not last forever, for the habit was growing upon the business men of the commonwealth of seeking distant markets. After 1815—in fact, about the time that Andrew Pickens, Jr., became governor—steamboats commenced to appear upon several of the rivers of the State, thus increasing and stabilizing the volume of trade between Charleston and the interior.

The Pickens administration was not marked by any decisive measures, although Calhoun and Lowndes in Congress were pushing through legislation which was a powerful instrument in the development of the commerce of the State centralizing at Charleston.† The Bank bill, fathered by Calhoun, met with such favor from the mercantile element that Charleston subscribed \$2,598,000 to its support—a greater amount than either New York or Boston, and surpassed only by Philadelphia and Baltimore. "Indeed, the commerce of Charleston, now that embargoes were things of the past, was moving forward with a rush. Of a total of exports for 1816-17, valued at \$81,920,452 for the United States, those of South Carolina amounted to \$10,849,409, being surpassed by only one state, New York, with \$19,690,051. But in population the city had not grown. In a total population of 23,944, there were 11,515 slaves and 1,200 free persons of color. Of a total population of 109,619, New York City had 617 slaves and 7,744 free persons of color among her inhabitants."

With a white population of a little more than one-ninth of that of New York, the value of the exports of Charleston was nearly one-

\* O'Neill's "Annals of Newberry."

† "Robert Y. Hayne and His Times," Theodore D. Jervey.



half. With a canal system giving water communication as high up in the interior as Camden and with steamboat connections, in addition to the volume of shipping, the city had metropolitan ambitions.

#### RISE OF WILLIAM LOWNDES IN CONGRESS

William Lowndes was sustaining his high reputation in Congress and in public life as chairman of the Committee on Ways and Means, although his proposition to continue in force, until a new tariff act should be established, the measure of 1812, met with much opposition. \*This was called the "double tax," and was, in fact, a tariff, and the discussion instantly began. Federalists and Republicans alike tore the resolutions to pieces. Mr. Huger, the only Federalist representative from South Carolina, spoke strongly against the tariff as a whole, as injurious to the agricultural interest, and Mr. Lowndes answered that money had to be raised, and that this method distributed the burden more evenly than any other. Mr. Calhoun supported his friend.

It is impossible here to note the courses of the debate, now directed by upholders of the agricultural interests, then by those of the manufacturing sections; but the result was that the Lowndes measure was carried, as a compromise between the high-tariff men and those, like its author, who were fighting for a "tariff for revenue only."

#### PRESIDENTIAL INDORSEMENT

In President Madison's last annual message, delivered about the time of the outgoing of the William administration and the incoming of Andrew Pickens as governor, the assurance was given the country that the success of the financial measures adopted by the last Congress had been so great that "the revenue has far succeeded all the current demands upon the treasury, and that under any probable diminution of its future annual products which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. At the close of the year there will be a surplus in the treasury of about the sum of nine millions of dollars."

While Calhoun and Lowndes were thus reaping laurels in Congress, both as debaters and practical statesmen, Robert Y. Hayne, the young lawyer and former student under Langdon Cheves, had made a fine record in the Legislature, was to be the attorney general of the State, and finally a great figure in the United States Senate.

#### CALHOUN, SECRETARY OF WAR

In the second year of Governor Pickens's administration and several months after his father's death (in December, 1817), John C. Calhoun was appointed by President Monroe, secretary of war. He found the department in the utmost confusion and left it at the end of Mr. Monroe's administration in complete order. Calhoun's six years' service in Congress was thus brought to a brilliant close.

In the "Life of John C. Calhoun" published in 1843 anonymously but now known to be largely autobiographical, the statement is made that at the time of his entering Monroe's cabinet: The (War) department was almost literally without organization, and everything in a state of confusion. Mr. Calhoun had paid but little attention to mili-

\* Mrs. Ravenel's "William Lowndes and His Times."



VIEWS OF SOUTH CAROLINA FEMALE COLLEGIATE INSTITUTE, AT  
BARHAMVILLE, NEAR COLUMBIA, 1817

From old Boston lithographs

Not a few prominent women were graduated from the Institute, including Miss  
Bullock, afterward the mother of Theodore Roosevelt.

tary subjects in any of their various branches. He had never read a treatise on the subject, except a small volume on the Staff." In view of these facts the wonder is that he showed as remarkable executive qualities as secretary of war as had marked his oratorical and legislative talents as a member of the House of Representatives. In fact, Calhoun's genius was as forcibly evinced in his mastery of details as in his powers of generalization.

#### UNITED STATES BANK SAVED BY LOWNDES AND CHEVES

At this period of his career, John C. Calhoun had a rival in these very qualities in the person of William Lowndes. According to Walsh's *American Register* of this time "he had shone on every occasion, which called to an appeal to general principles and for enlarged views of policy." Theodore D. Jervy makes the following comments: "But strong as he was, he was not the all-powerful force he subsequently became in South Carolina, and in State and nation his influence was inferior to that of William Lowndes, to whom Monroe had previously offered the secretaryship." And Calhoun's reputation was, if anything, then under a small cloud; for, "although he could not with justice be held responsible for the mismanagement of the Bank of the United States, yet the fact that it was not a success reacted on the reputation of the statesman most instrumental in putting it in operation. Indeed, there was an attempt in Congress to repeal the law, and the Bank was only saved through the persuasive personality of Lowndes, and the rare business ability of Cheves, raised to the presidency of the institution."

#### JOHN GEDDES BECOMES GOVERNOR (1818)

John Geddes, son of a store keeper and a man of the people, a well-established Charleston lawyer, who had served as a member of the South Carolina House and speaker of that body for a number of years, succeeded Andrew Pickens, Jr., as governor in 1818. Previous to his election, Governor Geddes had held the office of city intendant of Charleston, and ably conducted the affairs of that office. He was major of a regiment of cavalry, and afterward brigadier general of militia and was, like many in his day, much affected by "military pomp and circumstances,"—so much so, that while speaker of the House his proneness to give all its members military titles induced that body to adopt a rule that none should ever be addressed except as "Mister."

It was during his administration that President Monroe visited Charleston where he was received and entertained in most lavish style by Governor Geddes. E. S. Thomas, the journalist, says: "The legislature of the State long after his death paid back to his heirs a handsome portion of the large sum extended by him on this occasion to do honor to the State." Although Governor Geddes was regarded by all, except his enthusiastic party followers, as little else than a shrewd politician, yet the Legislature which assembled in the fall of 1818 was described at the time, by the acute and observant correspondent of the *Gazette*, as "containing the greatest array of talent probably ever assembled in such a body in South Carolina. Mr. Hayne had been unanimously elected speaker of the House, and his appointments to the different committees are indicative of that fairness, breadth and patriotism which endeared him through life to many who found them-

selves differing with him.\* The speaker selected Joel R. Poinsett, of Charleston, a Republican, as chairman of the Committee on Elections; and D. E. Huger and K. L. Simons, as chairmen, respectively, of the committees on Ways and Means and the Judiciary, both Federalists.

#### IMPORTANT MEASURES CONSIDERED

Hardly had the House met before it became apparent that upon not a few questions there would be wide division of opinion and spirited debate. There was the bill to repeal the act prohibiting the importation of slaves from the other states and territories, without the special permission of the Legislature, which a majority of the members desired to force through and the minority resisted. There was the amendment to the Constitution of the United States, proposed by the State of North Carolina and favored by the governor of South Carolina, altering the method of choosing electors for president and vice-president, which was to be pressed upon the House by a formidable array of talent. And there was the bill to make "all words, in themselves actionable, which shall be falsely spoken, injurious to the moral character of the persons of whom they are spoken," the phraseology of which was sufficiently obscure as to give rise to considerable debate.

With regard to the bill providing for the amendment to the Constitution of the United States, the correspondent of the *City Gazette* says: "There probably never was a question in the Legislature which elicited more talent than was displayed in the discussion of the merits of the amendment, which occupied two days. Messrs. McDuffie, K. L. Simons, D. E. Huger and J. D. Witherspoon were for the amendment; Messrs. Hayne (speaker), Hunt and Warren, against. At first view it seemed to promise a more free expression of the public view; but the fact is, when niceties of calculation are gone into, it is directly the reverse." The correspondent tells us that the amendment was finally disagreed to—ayes, 29, noes, 82.

This was followed by the most important discussion which had occupied the Legislature since the adoption of the Constitution of the United States, viz., that concerning the repeal of the act prohibiting the importation of negroes from other states and territories, without special permission of the Legislature.

#### BARS LET DOWN AGAINST IMPORTATION OF SLAVES

This was one of the most vexing problems with which the governor had contended. During the first part of the session, the Assembly was flooded with petitions for the introduction of slaves from other states to meet the demand for labor caused by the expanding production of cotton. They came in such numbers that some of the Charleston citizens suggested that they should be colonized. Negroes were already too numerous in Charleston. At one time a batch of some 470 were apprehended and brought into court on a charge of disorderly conduct. They had bought a lot, erected a building and engaged therein in a species of worship which the neighborhood found highly objectionable. They were discharged, and again became rampant. A number were again lodged in the city guard house, and the Council sentenced a bishop and four preachers of the African Church to one

\* "Robert Y. Hayne and His Times," by Theodore D. Jervey.

month's imprisonment, or to give security to leave the State. Eight other ministers were also sentenced separately to receive ten lashes, or pay a fine of \$5 each.

But still the negroes came in. The black population, which already had overtaken the white throughout the State, was noticeably in the preponderance in Charleston, and even the Battery promenades swarmed with negroes, who were not only disorderly among themselves but were corrupting the morals of the people.

"It would have seemed," says Jervey, "that the representatives of Charleston at least, would have realized the mistake of repealing the act prohibiting the importation of slaves from other states" as they were naturally increasing three times as rapidly as the whites. "The extravagant prices of cotton" might well have "turned the heads of the country members" but even such influential Charleston members as William Lance favored the repeal. "With him were John D. Witherspoon, of Marion, and George McDuffie, of Abbeville." Robert Y. Hayne, D. E. Huger and K. L. Simons, all of Charleston, were against the repeal. The bill was passed by a large majority, according to the *Courier*, after "one of the most eloquent and animated debates that had taken place on the floor for many years." In the Senate, it became law only by a vote of 22 to 19.

Thus the bars were let down for the free importation of slaves into South Carolina from any section of the United States, although practically there had been no importation of negroes from foreign countries since 1808. The evils resulting from this free interchange of slaves between the states in which they were an institution are described with clearness and vigor by Theodore D. Jervey in "Robert Y. Hayne and His Times." "Even before its passage (that of the repealing bill), some of the forthcoming evil effects were plainly discernible in this wild rush to embark capital in cotton and negroes. The diversified industries which had given a solid basis to industrial conditions in the State were from this time neglected, the raising of stock to a great extent was abandoned, and the price of beef rose to an alarming figure. The strength of the soil was to be speedily exhausted; while the manufacturing interests of the North were to fasten on the product like leeches, determined to have their share and more, if they could extract it. Before a score of years had passed, practically all the temporary benefits had vanished."

#### PASSAGE OF THE MISSOURI COMPROMISE

Mr. Lowndes spent several months in Europe (England) during 1819, trying to regain his health, but returned to Washington in time to attend the opening of the fall session of Congress and to participate in the debate on the Missouri question, which resolved itself into the Missouri Compromise. "In this controversy Mr. Lowndes at first spoke but little. He was one of the committee appointed to confer with the Senate, and as such spoke briefly in support of the Compromise offered by the Committee of Conference, and urged with great earnestness the propriety of "a decision which should restore tranquillity to the country, which was demanded by every consideration of discretion, of moderation, of wisdom and of virtue." The bill was carried on March 2, 1820, allowing Missouri to create an unrestricted constitution, but forbidding slavery in all parts of the Louisiana purchase north of 36° 30' north latitude.

The remainder of the session was chiefly occupied with the Spanish

treaty and the revision of the tariff, on both of which questions Mr. Lowndes spoke at length.

#### WILLIAM LOWNDES DIES AT SEA

Mr. Lowndes's health became more and more precarious although in 1820 he was prominently mentioned for the speakership of the House of Representatives, and in 1821 his native State by resolutions in the House of Representatives had urged his nomination for the presidency. In a last effort to regain his health, he spent the summer of 1822 in the North with his wife and two younger children, and, at the suggestion of his attending physician, set sail from Philadelphia for a European trip. For the first few days the patient appeared somewhat improved, but the weather became stormy and he was exhausted. On October 27, 1822, six days out, Mr. Lowndes gave up his life and his body was buried in midocean. He had accomplished much and left an inspiring influence upon his family, his friends throughout Carolina and his fellow statesmen in the Congress of the United States. Calhoun especially admired his talents and was deeply attached to him as a friend.

#### GOVERNOR THOMAS BENNETT

Thomas Bennett succeeded John Geddes in the executive chair in January, 1820. The interest attaching to his administration is largely centered in an insurrection of negroes, with attempts to regulate their conduct, and a revival of schemes looking to the internal improvement of South Carolina. Joel R. Poinsett was appointed head of the State Board of Internal Improvement. Educated in England, he had early developed a love of travel and adventure which was gratified to an extent then perhaps unequalled by any cultured American. His first extensive tour was through Russia in 1806-07. Accompanied by Lord Royston with special authorization of Czar Alexander (who told Poinsett "that he was the second American gentleman who had been presented to him"), he traveled from St. Petersburg to Moscow and thence to Baku, and even to Armenia, the farthest confines of Russia in the south. Then during the War of 1812 he went on a secret mission by invitation of President Madison to Buenos Ayres, Chili and Peru. As it proved, Mr. Poinsett was not adapted to the performance of the practical matters for which his new office in South Carolina called, and he was succeeded by Abraham Blanding, of Columbia, Poinsett himself being elected to Congress from the Charleston district in the following year (1821).

In February, 1820, Charles Pinckney, shortly before retiring from Congress to give place to Joel R. Poinsett, definitely inaugurated the movement to make dueling illegal in the District of Columbia. Although the law had been often violated it had been illegal in South Carolina to engage in a duel since the passage of Dr. Philip Moser's act, in 1812; but it was safely indulged in on Federal territory. Congressman Pinckney, in the month named, had introduced and successfully pushed a resolution through Congress to the effect that "a committee be appointed to consider the expediency of restoring to all the states the jurisdiction of all the territory ceded by them for forts and arsenals, so far as respects the exercise of the state laws for the prevention and punishment of crime and the recovery of debts." Pinckney said that its main object was to assist in the prevention of duels in Federal territory.

## FIRST STEAM RAILWAY SUGGESTED

Although E. S. Thomas, editor of the Charleston City Gazette, claims that he first projected a railroad for the Atlantic coast, and that he spoke of it to Charles Pinckney and Peter Frenau, "before, during and after" the War of 1812, yet, in all probability, the first suggestion of a steam railroad in South Carolina was that of a correspondent of the Gazette, November 22, 1821, signing himself "H." South Carolina was so early and so prominent in railroad construction that this communication, unearthed by Mr. Theodore D. Jervay, who thinks it highly probable that "H." was Robert Y. Hayne, will be of great interest. It reads as follows:

"Mr. Editor: Having during an excursion to the Eastward, seen a specimen of the patent railway, I was led to believe that the plan would be useful in this State. The inclement weather to which our roads are subject must defy all attempts to render them good during some portions of the year. The soil on which they are made and the materials adjacent to some parts render them liable to constant injury. The following publication may serve to direct public attention to the subject. It was made in relation to a more northern climate and some of the inconveniences stated would not be felt here. The season for discussing the great subject of Internal Improvement has arrived and this may add to the materials." "H."

Under this communication was published the plan headed "The Patent Railway," from which it appeared that it was a "combination of iron and wood railway, which the patentee was allowed to test the merits of, on the wharf of the Honorable William Gray, where about four hundred feet are laid down permanently." Then follows a description of something like a trestle track, with estimates of the cost of constructing the same from Boston to Worcester, and a claim that the "plan is essentially different and much cheaper than any in Great Britain or in this country"; but an explanation that "there are many things to be attended to in the erection of the railways and using the carriages, which cannot be particularly noticed in a circular; at the same time any good mechanic can erect the whole and it is easily kept in repair from its entire simplicity. \* \* \* This plan is so novel many persons think they see insurmountable difficulties, without understanding all the details. \* \* \* A Fulton was ridiculed for his attempt to apply steam to boats, and those that pronounce that horses cannot walk on a plank must allow that steam can and has been used and considered as cheap as horses. \* \* \* In South Carolina suppose a pair of railways was laid from Charleston to Augusta, and a fork run to Columbia—in all, 150 miles, cost \$400,000; a load of cotton could be carried in five days, instead of thirty, by water. Two dollars per bale would be readily paid for carrying same, and proportionately for rice and tobacco, and \$25 per ton for carrying goods up. There is sufficient transportation to make the work valuable."

The suggestion of the Charleston-Columbia-Augusta steam railway was made five years before the three-mile road to Quincy, Massachusetts, operated by horse power, was even commenced, and within about a dozen years Charleston mechanics were to design and build the first locomotive which ever turned a wheel in America.

## THE GOVERNOR WOULD CURB SLAVE TRAFFIC

In the fall of 1821, Governor Bennett called particular attention to the portentous aspects of what has become in modern times "the

Race Problem." "In the class of penal laws," he says, "there are no provisions which present stronger and more urgent claims to the justice, humanity and prompt attention of the Legislature than those which prescribe the mode of trial and punishment for crimes committed by slaves and other negroes. The necessity which originally induced their adoption will be found in that feeble and immature state of society, which would justify a resort to the most summary and vigorous measures under the great rule of self-preservation. \* \* \* To give permanency to so gracious an interposition of your favor will require an earnest effort to anticipate the cause which originally made necessary the present rigorous system; the most conspicuous among others is the continuation of that inhuman traffic for slaves with our sister states, in which cupidity revels and human misery is made to swell the coffers of eager avarice, alike regardless of the calls of patriotism and the mild percepts of Christian charity. It is reserved for the benevolent and prudential system of legislation which has ever characterized the State to arrest the enormous evil and check a vice whose rapid growth threatens the peace of society."

#### PROTECTING THE NEGRO

At this session of the Legislature, Dr. Philip Moser, the author of the anti-duelling law and the champion of free schools, introduced a bill and pushed it through the Assembly imposing the death penalty, without benefit of clergy, as a punishment for the deliberate murder of any negro or free person of color. Many applications were also brought before the Legislature for the emancipation of slaves. Between this and the succeeding session occurred Denmark Vesey's attempted insurrection of negroes in and near Charleston, which caused some doubts to arise as to the expediency of relaxing the laws governing the inferior race.

#### UPRISING OF BLACKS NEARLY SUCCESSFUL

Matters of national politics and relating to the internal improvements of the State were held in abeyance during the spring and summer of 1822 and the attention of the people centered in the outbreak in the Charleston district, where they outnumbered the whites fully three to two. The white population of the region had actually decreased. The blacks had not only increased from natural causes, but the importation from other states and territories had been large.

Denmark (or Telemaque) Vesey, a free mulatto from the West Indies, whither he had been brought from Africa in his youth, appears to have been mainly responsible for the general uprising set for June 16, 1822. He was a native of St. Thomas, and a negro of great ability but awful passions, who had drawn a \$1,500 lottery prize twenty years before and bought his freedom from his master, and who was "worth \$8,000 in property in 1822."

Dr. Ulrich B. Phillips says that Vesey "harboring a deep resentment against the whites, he began his plot some years before its maturity. He familiarized himself with the Bible account of the deliverance of the children of Israel, and collected pamphlet and newspaper material on anti-slavery sentiment in England and the North and on occurrences in San Domingo, with all of which he regaled the blacks with whom he came in touch, \* \* \* prominent among whom were certain functionaries of the African Church who were already



nursing grievances on the score of the suppression of their ecclesiastical project by the Charleston authorities."

He was a skilful carpenter, handsome, haughty and domineering; the master himself of numerous wives and children and a despot among the blacks of Charleston.

Through the arrest of various blacks, who had approached others of their color, with an invitation to join the insurgents, it was evident that a large number were involved in the conspiracy. The commanding officers of the local militia were convened by the governor at the intendant's residence and on the night of the 16th, the time set for the outbreak, the following were under arms ready for any trouble which might occur: Captain Cattel's corps of Hussars, Captain Miller's Light Infantry, Captain Martindale's Neck Rangers, the Charleston Riflemen, the City Guard and Captain Patterson's Republican Artillery—the whole organized as a detachment in command of Col. R. Y. Hayne.

On the following day (the 17th of June) a court was organized to try those against whom evidence had been collected. In the official report of its proceedings, published in 1822 by the Corporation of Charleston, it is stated: "This committee commenced its labors on the night of the 17th, and during the ensuing twenty-four hours the following slaves were committed: Rolla, Batteau, Matthias and Ned, the property of Governor Bennett; Mungo and Peter, the property of James Poyas; Amhurst, the property of Mrs. Lining; Stephen, the property of T. R. Smith; Richard and John, the property of Jonathan Lucas.

"On the morning of the 19th of June, the Court of Magistrates and Freeholders assembled at the Court House, were sworn in and proceeded to the arraignment of the above prisoners for trial. They were charged with 'attempting to raise an insurrection among the Blacks against the Whites.'

"Before we proceed to a brief abstract of the testimony offered in the cases brought before the court, it may not be unimportant to observe that, previous to their proceeding to the painful investigation with which they were charged, they laid down a variety of rules for their government, all of them subservient to justice as well as humanity. In the first place, it was decided that the testimony should be regulated by those established rules of evidence which are elsewhere found so important in the exposition of the truth; that no slave should be tried but in the presence of his master or his attorney; that the testimony of one witness, unsupported by circumstances, should lead to no conviction involving capital punishment; and that the statement of the party himself should be heard in explanation of such particulars as seemed most inculpatory."

The testimony showed that the people of Charleston had a narrow escape from an awful uprising of the lawless blacks. Exactly where the conspiracy originated has never been determined, although such ringleaders as Rolla, Governor Bennett's slave, testified that "in the event of the rising they would not be without help, as the people from San Domingo and Africa would assist them in obtaining their liberty, if they only made the motion themselves." The plan was, he added, that on Sunday night, the 16th of June, a force of blacks would cross from James Island and land on South Bay, march up and seize the arsenal and guard house; that another body, at the same time, would seize the arsenal on the neck, and a third would rendezvous in the vicinity of his master's mills. "They would then sweep the town with fire and sword, not permitting a single white to escape."

Wherever or however the plot originated, it was evident from the first that Vesey was the acknowledged leader of all the blacks who were parties to it, and that his chief lieutenants were Peter Poyas, a trusted and hitherto a respectable slave, and Gullah Jack, an imported African.

This "Gullah" Jack, an Angola negro, was a recognized conjuror. His deluded followers believed that he could bewitch any of his fellows and that the crab's claws he gave to all conspirators would render them invulnerable.

The insurrection was first exposed by a slave named George, belonging to the Wilson family. Hasell Wilson, a member of the family and then a young boy (afterward, for many years chief engineer of the Pennsylvania Railroad) wrote an account of the contemplated uprising, in his mature years, and deposited the manuscript in the Charleston library.

"The slave George," he writes, "was a heavily built dark mulatto, a blacksmith who worked out and, according to the custom, accounted to his mistress only for a portion of his wages. He could read and write, bore an excellent character with blacks and whites and was a class leader in the Methodist Church." As Peter Poyas had joined the plot, George was approached also; but to George the murderous schemes seemed horrible and he exerted himself to defeat them. In counting on Peter, another slave, the conspirators were also misled and news of their plans was brought to the authorities in time for them to take the steps already described.

Of those finally condemned, some were very denunciatory of their leaders. The confession of one Jack Purcell is illustrative: "If it had not been for the cunning of that old villain Vesey, I would not now be in my present position. He one day brought me a speech which he told me had been delivered by a Mr. King on the subject of slavery; that Mr. King had declared he would continue to speak, write and publish pamphlets against slavery, for that slavery was a great disgrace to the country."

Two courts were formed for the trial of the conspirators, that organized early in July consisting of William Drayton, J. R. Pringle, Robert J. Turnbull, N. Heyward, Henry Deas, Thomas Parker and Lionel Kennedy. Of about 150 cases brought before the first court for trial, 34 were condemned to death and 37 to transportation beyond the limits of the State. Among those who received the death sentence were Denmark Vesey, represented by George Warren Cross, as counsel, and Peter Poyas and Gullah Jack. The court sat until July 31st, when it was dissolved. On that date a second court convened comprising Joel R. Poinsett; Robert Y. Hayne, about to close his four years' term as attorney general of the State; Thomas Rhett Smith, Thomas Roper, John Gordon, Jacob Axson and Charles M. Furman. That body sat nine days and sentenced one prisoner to death and seven to transportation, dismissing the remainder of the accused.

The trials lasted from the 17th of June to the 8th of August, 1822, and of the negroes convicted 35 received the death sentence and 34 were banished from the State. Of those hanged, including Vesey and Rolla, three were Governor Bennett's slaves. The hangings usually occurred from a week to two weeks after the commitments for trial, and the executions took place on Blake's lands, or on the Lines near Charleston. Vesey and Poyas met their death with firmness, refusing to make any statement whatever. Poyas' last injunction to his fellow criminals was: "Do not open your lips! Die silent, as you shall see me do!"

According to Doctor Phillips, "the Angolas, the Eboes and the Carolina-born were separately organized under appropriate commanders, \* \* \* and letters were even sent by the negro cook on a vessel bound for San Domingo with view apparently both to getting assistance from that island, and to securing a haven there in case the revolt should prove only successful enough to permit the seizure of the ships in Charleston harbor." Although many of the ringleaders were connected with the African church, no evidence of any sort was ever brought against the preacher, Morris Brown, or the deacons of the church.

For their faithful services in warning the authorities of the hor-



MILLS BUILDING, STATE HOSPITAL FOR THE INSANE, COLUMBIA.  
ERECTED IN 1822

Probably the oldest building now standing in the United States built by a State for the insane.

rible plot, the two slaves, George and Peter, were emancipated at a cost of \$1,000 each, paid to their owners, and were voted a pension of \$50 per annum for life. Pencil, the free colored man, who also assisted in circumventing the plans of the conspirators, received \$1,000 and the remission of all taxes for life. Gell, who turned state's evidence and was one of the most vicious of those who had joined the conspiracy, was pardoned, in view of the conclusive nature of his evidence.

In addition, four white men, a German peddler, a Scotchman, a Spaniard and a Charlestonian, indicted for complicity, were tried in a court having jurisdiction over whites, and were sentenced to prison for terms ranging from three to twelve months.

Thus passed from history an event which, had it been carried to its projected conclusion, would have produced a series of calamities, of devastation and bloodshed the extent of which cannot be conceived.

Rabid Abolitionists before the War of Secession and several radical "Afro-Americans" since have held up Denmark Vesey and Nat Turner, who headed the negro insurrection in Virginia in August, 1831, as heroes and martyrs of their race.

The attempted uprising of 1822 was the only organized movement against the whites of the State since the slave insurrection in 1739, which was instigated by Spanish emissaries from Florida.

#### GOVERNOR JOHN LYDE WILSON

John Lyde Wilson, who succeeded Governor Bennett before the end of the year (1822), was born and mainly educated in South Carolina, had been admitted to the bar at Columbia and afterward settled in Georgetown.

Mr. Wilson served in the lower house of the Legislature for a number of terms, and was president of the State Senate when he was elected governor. It was during his administration that the Court of Appeals in Equity was abolished and a separate Court of Appeals established.

Governor Wilson was one of the most versatile of South Carolina's chief executives. "His speeches political and legal were always compiled with wonderful arrangement and care. His translation of 'Cupid and Psyche' from the Golden Ass of Apuleius is an earnest of what he might have accomplished had he devoted himself to literature. He was long remembered as the compiler of 'The Code of Honor,' the highest authority for the duellists in this country. He claimed that he prepared the work as a 'means for saving life.' He also wrote small pamphlets on artillery tactics and on 'Rules for Betting.'"

#### HAYNE SUCCEEDS SMITH IN THE SENATE

It was during this period, when the tariff, state rights and nullification, were issues that were all looming above the horizon, that two of South Carolina's strongest men clashed in their campaign for the United States Senate. Robert Y. Hayne, ex-attorney general, young, graceful, and able, backed by no less a personal force than John C. Calhoun, contested the seat in the upper house of Congress held by the brilliant, sarcastic and implacable Judge William Smith. The latter, who was born in North Carolina, was educated in York district of South Carolina, and had ably served in both branches of the Legislature, been a judge for eight years, and in 1816 succeeded John Taylor in the United States Senate. It is said that he had been a school mate of Andrew Jackson, the president-to-be, and William H. Crawford.

Judge Smith had always opposed Calhoun and Lowndes, but was supported by the administration leaders. Crawford was a strong candidate also for the presidential succession, but was naturally opposed by the South Carolina leaders, who had their own favorite sons to support. The political forces of the day gathered in favor of the brilliant and agreeable younger man, and Hayne was sent to the United States Senate when he had just attained his thirty-second year. He took his seat in the following March (1823).

#### THE STATE RIGHTS ASSERTED

In his message of 1824, Governor Wilson, two years after the attempted insurrection, is as earnest as Governor Bennett, one year

before, in recommending milder laws in dealing with the free colored population of the State. Another cause of contention in connection with the race problem and one which had brought the State and the Federal Government face to face as contestants was over the right of the State to seize negroes aboard ships of the United States navy, or vessels of any European power at peace with America, and selling them into slavery for debt incurred ashore. For these practices the general government, through the secretary of state and the attorney general of the United States and at the instigation of Mr. Canning, the British minister of foreign affairs, had taken the State government to task. Their communications were submitted to the Legislature by Governor Wilson, who contended that a State had the same right of self-defense as an individual, and that it was competent for each community to make such regulations and lay down such rules of conduct as appear best calculated to produce the greatest good and security, further declaring that "the President and his advisers, so far from resisting the efforts of a foreign minister, seem disposed by an argument drawn from the overwhelming powers of the General Government to make us the passive instruments of a policy at war with our interests and destructive of our natural existence. The evils of slavery have been visited upon us by the cupidity of those who are now the champions of universal emancipation. A firm determination to resist, at the threshold, every invasion of our domestic tranquillity, and to preserve our sovereignty and independence as a State, is recommended."

At the same time, the Senate resolved: "That the Legislature of South Carolina is desirous of complying with any measure necessary to promote harmony between the States and the government of the United States and foreign nations, and will cheerfully comply in all cases which do not involve a surrender of the safety and inherent rights of the State."

## CHAPTER XXXVII

### LOOMING OF NULLIFICATION MENACE IN THE STATE (1824-1830)

Soon after Richard Irvine Manning succeeded John Lyde Wilson in the executive chair in January, 1824, the numerous anti-tariff meetings throughout the state showed the unrest of the people, though few probably had gone so far as to "calculate the value" of the Federal Union. The new governor was the son of the gallant Lawrence Manning, a Revolutionary officer, and himself served in the War of 1812. After peace was declared he was elected a member of the Legislature and his record in that body led to his elevation to the governorship.

Calhoun, who had been elected vice president of the United States, at the adjournment of Congress returned to South Carolina to combat his old foe, Judge Smith, who was using the bitter opposition of South Carolina to the tariff as a wedge to inculcate his views as an advocate of extreme State Rights. Vice President Calhoun and his friend, Congressman Hayne, were distinctly opposed to his attitude at this time.

#### HAYNE ON NULLIFICATION (DECEMBER, 1824)

Hayne thus defines his position at this time on the Nullification issue. His views are contained in a letter from Washington, dated December 21, 1824, and written to C. C. Pinckney, Jr.: "The proceedings of our Legislature on the free negro question are certainly not very acceptable here, and I think it is very much to be regretted that a tone, at least of more moderation, had not accompanied whatever measures were deemed necessary on the present occasion. South Carolina, I assure you, has a character to sustain, and her own dignity requires that no intemperate expression, no threats of forcible resistance to the National Government should ever be resorted to. God forbid that the necessity for such should ever exist, but at all events let us not contemplate or speak of such an event otherwise than in terms of unmingled horror."

#### LAFAYETTE'S VISIT TO SOUTH CAROLINA

In the spring of 1825, while Mr. Manning was governor, General, the Marquis Lafayette, made a tour through the southern and western states. Forty-eight years previously he had passed through the city, as a youth of twenty, with the Baron DeKalb. He had landed in Carolina to work and fight for the American colonies. His disinterested services proffered in the face of imminent peril to life and fortune had earned for him the general and everlasting gratitude of the Union of that day and of the ages to come. Now, he came, a venerable man; the guest of the American people, in response to the unanimous request of Congress. In March, 1825, he reached South

Carolina, coming from the northward. Uniformed volunteer companies from the northern tier of counties (or "districts"), Lancaster, York, Chester, Fairfield, Lexington, Newberry, and elsewhere, assembled in Columbia to hear and see the loved foreigner. The Legislature made a handsome appropriation to pay the expenses of a proper reception, and love and pride stimulated each section to vie with the other in handsome appearance. Columbia was crowded from garret to cellar. About a mile out of Columbia Governor Manning and staff awaited to receive Lafayette, who came that day from Camden, where he had laid the corner-stone to a monument to his friend, DeKalb. An elegant open barouche, drawn by two beautiful horses, stood ready to convey him to the town. He was handed into the vehicle and by his side rode old Col. Thomas Taylor, the father of Columbia—himself a Revolutionary hero—both uncovered. After speeches of welcome by the mayor and others, Lafayette walked through "a living avenue" of enthusiastic Carolinians to his temporary residence (a house still standing, on Gervais Street, though it caught fire nine times during Sherman's visit to Columbia in 1865). He leaned on the arm of Dr. Francis Kinloch Huger, the South Carolinian who had heroically attempted to rescue him from prison at Olmütz; the son of Maj. Benjamin Huger, who had, at Georgetown, first welcomed him to America in June, 1777. That night Lafayette attended a ball given in his honor at the State House, and the next day rode around the town calling on men of eminence. He was escorted to Charleston by a handsomely uniformed company from Newberry, commanded by Captain Meyer.\*

Lafayette returned to Charleston at a time when the blessings and the material fruitions of peace were abounding in the land so often ravaged and disrupted by war. Enthusiasm and gratitude to Lafayette combined to make these public demonstrations noteworthy even in comparison with similar events for which Charleston had become famous.

When news of his approach had been received by messenger, cavalry was dispatched to meet him at Clement's Ferry on his crossing, and escort him to the upper lines of the city. Here he was received on the Meeting Street Road by a special guard of honor consisting of the Washington Light Infantry, Capt. W. H. Miller, and the Fusiliers Française, Capt. A. Follin. Captain Miller gave all orders in French, and a national salute was fired by a battery of artillery.

Lafayette entered the city in an open carriage containing Governor Manning, and his old friend, Col. Francis K. Huger. In the procession were the Cincinnati Society, among whom were the two Generals Pinckney, with the surviving officers and soldiers of the Revolution; the numerous societies of the city, comprising the clergy; the benevolent and patriotic, the medical, scientific and literary institutions; the students of the college and seminary, and the children of the private and free schools and of the Orphans House.

The procession was met at the City Hall by Samuel Prioleau, intendant of the city, and the City Council. The former delivered an address, expressive of the joyful emotions inspired by the presence of the distinguished guest. During a temporary stop, owing to the excitement of the horses, and while a new team was being substituted, Lafayette learned that the two Generals Pinckneys were in the carriage immediately behind him. He alighted, and, in broad light of

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\* From "Reminiscences of York," by Maurice Moore, M. D.

day and in the presence of 10,000 spectators, embraced his old comrades, both in full regimentals, and kissed them on both cheeks with French enthusiasm.

The procession was resumed through East Bay to South Bay, up Meeting Street and to St. Andrew's Hall, the residence appropriated by the city authorities. Here he received the citizens and the military. In the evening he visited the theatre, which was thronged with citizens to behold the "guest of the Union."

On Tuesday, Lafayette received the salutations of the reverend clergy, the officers of the militia, judges and gentlemen of the bar and many citizens; after which he visited Gens. Charles C. and Thomas Pinckney, Mrs. Shaw, the daughter of General Greene, and Mrs. Washington, widow of Col. William Washington.

On Wednesday, the Marquis received at his residence the faculty and students of the philosophical and classical seminary, with Rt. Rev. Bishop England at their head and the South Carolina Encampment of Knights Templar; dined with the Cincinnati Society and attended a grand ball at the theatre in the evening.

On Thursday, the beloved visitor left the city at 12 M. Thousands thronged the streets, the military was formed opposite his residence and escorted him to Fitzsimmon's Wharf, where he embarked for Savannah, intending to stop at Edisto and Beaufort. A salute of twenty-five guns was fired by the artillery, and he received a national salute from Fort Moultrie.

\* "What could Charleston offer to her guest that other cities could not give so freely? Only a night more beautiful than the North could ever boast, sweet with the odor of tropical blossoms, cool from the winds of the sea; only the indelible remembrance of having been the first city to welcome Lafayette in his youth; of having extended that welcome with such heartiness and such democratic simplicity that even the bounding expectations of nineteen years had been destined to a full and beautiful realization. One does not forget a first love; Charleston was secure forever of a place in the heart of Lafayette."

It was the proud privilege of Hayne of Charleston, chairman of the select committee of the Federal Senate, to bring in the bill for the grants of \$200,000 in money and 24,000 acres of land to the gallant and generous French nobleman and democrat.

Every evidence that a sensitive people could display, the citizens manifested for General Lafayette during his stay, and Charles Fraser painted a beautiful miniature portrait of him for the City Council which is still preserved in the Chamber.

#### DEATH OF GENERAL CHARLES C. PINCKNEY

Gen. Charles C. Pinckney, the distinguished soldier and patriot, died on the 16th of August, 1825, about five months after he had been embraced by his venerable friend, Lafayette, in the streets of Charleston. At the time of his death, General Pinckney was in his eightieth year. He is remembered, even by American school children, because of his burning rejoinder to the infamous proposals of the French Directory, "Millions for defense, not a cent for Tribute." He was honored by the United States Government with a commission of major general. Many other distinctions were proffered him, but as he had a strong distaste for strictly honorary titles and offices,

\* "With Lafayette in America," by Octavia Roberts. (Boston, 1919.)



which carried with them neither significance nor activities, he declined all excepting the major-generalship. That he doubtless considered, with the unanimous concurrence of his countrymen, he had fairly earned.

After the Revolution followed a dozen years of peace and a regathering of the professional threads of his career which he had dropped to serve his country on the battlefield and in prison.

General Pinckney was offered a place on the Supreme Bench of the United States, as well as the portfolio of the War Department to succeed General Knox. He declined both offers, however, but, after a most pressing solicitation from President Washington, he was induced to accept the mission to France, in 1796, going thither, in his private capacity, as a special commissioner. "On his arrival at Paris," we are told, "he had to submit to some indignities and to meet a cold reception on the part of the French minister of Foreign Affairs, and he immediately asked for his recall. His stay was therefore short at the French capital, but during that brief period he exhibited an ability as well as a spirit of patience and forbearance, which did him great honor. While in this position, he gave way to that burst of patriotic sentiment, to which allusion has been made: 'Millions for defense, not a cent for tribute.'\* Though his mission did not accomplish the objects desired, it was owing to no lack of ability or of diplomatic fitness on his part. Gen. C. C. Pinckney was the Federal candidate for vice president or president at three successive elections."

#### STATE RIGHTS FORCES GATHER

The latter period of Governor Manning's administration was signalized by the first concentrated movement of the State of South Carolina against the National policy of a central bank, internal improvements controlled by the Federal Government and a high tariff designed to protect the manufacturing interests at the expense of the agricultural sections. Scattered meetings protesting against the tariff and other fitful evidences against Nationalism had appeared in South Carolina, but the beginning of the formidable movement directed against it dates from November, 1825, when the able and determined Judge William Smith introduced into the Legislature a set of resolutions opposed to the United States Bank, internal improvement and the protective tariff. They were directed against "government usurpations." They were adopted and formed an indefinite platform upon which dissatisfied public sentiment could rest, and anticipated the radical utterances and political action of 1832 which were developed from the tariff of 1828—the "Bill of Abominations," as it was christened by the South.

† The tariff of 1824 was everywhere denounced as a system of robbery and plunder, destructive to the southern states. Meetings adopted resolutions which pledged the participants to purchase no northern manufactures and no Kentucky horses. George McDuffie is reported to have pulled off his broadcloth coat and to have given it to his servant, saying that it was fit only for the livery of a slave.

Judge Daniel E. Huger, afterward to be a leader of the Unionist party but now advocating opposition to the tariff within the pale of the Federal Constitution, is said to have refused to eat Irish potatoes

\* The bold utterance represents the sense and spirit, not the exact language, used by Pinckney. Robert Goodloe Harper is probably responsible for the sentiment in its accepted form.

† "Nullification Controversy in South Carolina," by Dr. Chauncey S. Boucher.

because they came from the North. Gen. Waddy Thompson was reported to have declared that he would live on snowbirds and make the judicial circuit on foot rather than eat Kentucky pork or ride a Kentucky horse. "But in spite of all the talk about the injustice and oppression of the tariff, few questioned its constitutionality. And as for disunion as a measure of resistance, many of the people who later supported it were now horrified at the expression of Dr. Thomas Cooper, president of South Carolina College, that it was time to 'calculate the value' of the Federal Union."

#### ROBERT J. TURNBULL ("BRUTUS")

During 1827, there appeared in the Charleston Mercury, a series of articles, written by Robert J. Turnbull under the name of "Brutus." \* The writer endeavored to show that Congress and the Supreme Court had made the Constitution a dead letter, which might "mean anything or nothing." The broad constructionists were severely arraigned and the writer was particularly severe on McDuffie. He was a political writer of great power and advocated "State Rights doctrines of high flavor," but not the full fledged Nullification of 1831-32. Some of his conclusions were ably questioned by "Hamilton" (M. L. Hurlbut), and others, in newspaper and pamphlet publications of the time. He died before President Jackson's fleet, sent to overawe the Nullifiers; had left Charleston, and most of his opponents forgot their party animosity at his death. His monument, in St. Philip's church yard, is the only public memorial of its kind ever erected to a Nullifier; for whether justly or not, he had the credit of being the originator in South Carolina of the movement. ●

#### LEGISLATURE DEFINES POSITION

Sufficient opposition was aroused by public meetings, newspaper articles and individual utterances of prominent men, to induce the Legislature in 1827, to define the position of South Carolina as a State. Both houses approved a series of resolutions submitted by a special committee, consisting of John Ramsay, S. D. Miller, H. Deas, Alfred Huger, D. R. Evans, W. B. Seabrook and Catlet Connor, to this effect: "That the Constitution of the United States is a compact between the people of the different states with each other, as separate and independent sovereignties, and that for any violation of the letter or spirit of that compact by the Congress of the United States, it is not only the right of the people, but of the Legislatures, who represent them, to every extent not limited, to remonstrate against violations of the fundamental compact.

"That the acts of Congress passed in 1816, 1820 and 1824, known by the name of Tariff laws, by which manufactures are encouraged under the power to lay imposts, are violations of the Constitution in its spirit and ought to be repealed.

"That Congress has no power to construct roads and canals in the States, with or without the assent of the States in whose limits those internal improvements are made, the authority of Congress extending no further than to pass the necessary and proper laws to carry into execution their enumerated powers.

"That the American Colonization Society is not an object of national interest, and that Congress has no power in any way to patronize

\* These articles, with eleven additional essays, were printed in book form in Charleston in 1827, under the title of "The Crisis: or Essays on the Usurpations of the Federal Government. By Brutus." The book had a wide circulation and large influence.

or direct appropriations for the benefit of this or any other society." Senators and representatives were instructed to oppose all movements in these directions.

Calhoun and Hayne and Judge Smith (who had then returned to the United States Senate) were all opposed to the American Colonization Society, the aims of which seemed rather unformed, but on the whole designed to alleviate if not cure some of the evils of slavery. Both in Congress and the State Legislature South Carolina sentiment seemed, on the whole, to be in accord, although Judge Smith in the earlier stages of the tariff, State Rights and Nullification discussions went to greater lengths than any of his great colleagues.

#### CALHOUN DEFINES VIEWS IN AUGUST, 1827

That Calhoun himself was being drawn over to the extremists is evident from his correspondence covering 1827 and the early part of 1828. Especially do his letters to his kinsman, James Edward Calhoun, to whom he seemed always to write with unusual freedom, point to this transformation. A letter of August 26, 1827, is most significant as showing his attitude less than eight months before the passage of the Tariff of Abominations. From it are quoted the pertinent portions: "The wisest men of the country have divided in opinion how far Congress has the power, and, admitting that they possess it, how far, on principle, encouragement may be given to domestic manufactures as connected with the great consideration of the defense and independence of the country. But whatever may be the diversity of opinion among the wise and patriotic as to the discreet exercise of this great power of changing the capital and industry of the country, there cannot among such be any doubt that the power itself is highly dangerous, and may be perverted to purposes most unjust and oppressive. Through such an exercise of it, one section of the country may really be made tributary to another and by this partial action artful and corrupt politicians may use nearly half of the wealth of the country to buy up partisans in order to acquire or retain power. This very use of it, many and they highly intelligent, below the heads of the administration, are attempting to employ.

"About a year ago, a great excitement was got up in Boston by the capitalists, with a view professedly to give an increased duty on woollens for their protection. A bill was reported to the House of Representatives, amounting, in fact, to a prohibition, and after much heat passed that body. It came to the Senate, where it was laid on the table by my casting vote. Since the adjournment an extensive scheme originating, as it is thought, with those in power, has been got up, to have a general convention of the manufacturing interests at Harrisburg, avowedly to devise measures for the passage of this bill, and thus the dangerous example is set of separate representation and association of great geographical interests to promote their prosperity, at the expense of other interests unrepresented and fixed in another section, which of all measures that can be conceived is calculated to give the greatest opportunity to art and corruption and make two of one nation.

"How far the Administration (John Q. Adams) is involved in this profligate scheme, time will determine; but if they be, the curse of posterity will be on their head. In the meantime, the South has commenced with remonstrating against this unjust and oppressive

attempt to sacrifice their interest; and I do trust they will not be provoked to step beyond strict constitutional remedies.

"I have given a fuller view on this point, as I am of the impression that from it great events will spring. It must lead to defeat or oppression or resistance, or the correction of what perhaps is a great defect in our system;—that the separate geographical interests are not sufficiently guarded."

#### BOSTON MERCHANTS TURN TO HAYNE

Both Calhoun and Hayne were known to be opposed to a high tariff and advocates of a tariff for revenue only. In this position they appear to have had the support of the leading Boston merchants, who went so far in December, 1827, as to commit a memorial not to Senators Webster and Silsbee, but to Hayne of South Carolina, for transmission to the United States Senate, petitioning that body to abandon "any further prosecution of this system of high duties," and containing the following succinct paragraph, weighty with pertinent information: "If the act of 1816 be regarded in the nature of a compromise, its obligations were reciprocal; if the nation were bound to continue the protection then offered, the manufacturers were equally bound to conform to the system then established. Yet within a very short period that provision of the law was repealed by which the duty was to fall to 20 per cent, and in 1824 it was further raised to a rate nominally exceeding 33 per cent, making, in fact, 38 per cent; and Congress is again called upon for a very great advance."

At this crisis in the affairs of the nation, Daniel Webster had just commenced his great career in the Senate, and Hayne had so established his reputation as to be the spokesman of Massachusetts business and commerce. In the debate which ensued Webster opposed certain of its provisions. Up to the last minute, according to the "Memoirs of John Quincy Adams," the junior senator from Massachusetts hesitated, telling President Adams that it would depend on "his and his colleague (Nathaniel) Silsbee's vote, and he expressed some doubt how he should vote."

#### THE "BILL OF ABOMINATIONS"

As to the Tariff Act of 1828 Prof. J. W. Burgess, who can scarcely be accused of Southern leanings, says: "One theory alone was certain, and that was, that the cotton planters and those engaged in foreign commerce would have no direct share in the benefits of the measure. And it was also very difficult to figure out any direct benefits for them. It would not widen the domestic market for raw cotton. It would increase the domestic demand for the products of Western agriculture, and thereby increase the price of those products to the Southern consumers of them. And it would discourage the importation of woolen goods. \* \* \* The representatives from the Southern commonwealths pointed out these things, but they were told to establish manufactures themselves, and then they would be tributary to nobody."

Hayne protested in a long and able speech in which he entered "a solemn protest against it as a partial, unjust and unconstitutional measure." To the suggestion that the South establish manufactures, Hayne replied that the South could not establish manufactures with slave labor. McDuffie, on the contrary, threatened ruin to the northern manufacturers if they succeeded in having the duties raised so

high as to drive the South, with its cheap slave labor, into manufactures.

The bill passed by a vote of '26 to 21.

These threats and protests read strangely today. Slavery has been abolished and South Carolina is the second, or third state in the Union in the output of its cotton mills. The experiment of working the free negro in the cotton mills has not succeeded in South Carolina, and has small measure of success anywhere in the South.

The tariff of 1828 which had aptly been stamped by a South Carolina congressman as "An act to increase the duties on certain imports for the purpose of increasing the profit of certain manufacturers," threw the people of the State into a renewed spasm of indignation, and some of their spokesmen even suggested that the only way to save the South was to organize a southern Union. The South Carolina press teemed with communications expressive of all shades of views, running from rank Nullification to prayers for care and conservatism.

Another medium for the exchange of popular views on the questions which now absorbed the thought of South Carolina was that afforded by sale days held under the superintendence of the different sheriffs on the first Monday of each month. Upon these occasions, the farmers and planters gathered at the Court House towns to attend sheriffs' sales, buy goods offered at auction, do their trading and discuss the vital questions of the day. In the summer and fall of 1828, they were made the occasions for the holding of numerous conventions or meetings, to mass the people against the iniquitous tariff and discuss plans for resistance. The people, in fact, were becoming so eager and restless that they could no longer wait for the monthly sale days. Especially throughout the Abbeville, or Calhoun district, of the up-country, the anti-tariff meetings increased in frequency and fire. One of the meetings was attended by 5,000 people, who strongly denounced the tariff. According to the *Charleston Mercury* of October, 1828, although the protestants looked to State sovereignty for relief, they intrusted the subject to the Legislature. They expressed a willingness to join in the non-intercourse plan, but they had no faith in it as a permanent policy. On the whole, however, the press cried down any suggestion of Disunion. Perhaps the most prominent man in the State, at this time, advocating extreme measures of resistance was Dr. Robert Henry, professor of Greek and sometime president of South Carolina College.

#### EX-GOVERNOR WILLIAMS'S VIEWS

On the other hand, such men as former Governor David R. Williams, while expressing indignation over the injustice and unconstitutionality of the tariff, could not say what proportion would oppose the operation of the law, but feared that a number of young spirits would willingly risk their lives for a military career, "if only for the fun of it." He was decidedly against any thought of forcible resistance, for he preferred to suffer as long as burdens were tolerable rather than encounter evils more terrible. He had as yet heard of no project which really assured relief. He could not see that the Legislature could better things by taking affairs into its own hands. He preferred associations for non-consumption of eastern and western articles, and favored no project that might tend to dismember the Union.

Mr. Williams's views, which were those of the York district, were

in opposition to the public sentiment of the Colleton district, in the southeastern part of the state, which, as expressed by various addresses issued to the people and the governor, was strongly for physical resistance. The chief executive of the State was requested to convene the Legislature, or call a convention, to consider the situation at once. As yet, however, conflicting sentiment had not divided the people of South Carolina into parties.

#### JAMER HAMILTON, JR., THE RADICAL

Finally, in October, at a meeting held in Walterboro, James Hamilton, Jr., who had ably served as mayor of Charleston, and a member of the Legislature and of Congress from the Charleston district, delivered a key-note speech in favor of Nullification. As a defender and a promoter of that doctrine, he was to become one of the most conspicuous of Southern leaders. In his Walterboro address, he claimed that Nullification might be applied by the State either through its Legislature, or by a convention of the people in their sovereignty, and need not result in a dissolution of the Union, unless so willed by their opponents. If the tariff were declared null and void within South Carolina, one of three courses would be open to the General Government: First, to submit to this mode of redress by leaving the people of South Carolina to themselves, with a hope that solitude would bring repentance and submission; secondly, to appeal to a convention of the states and thereby obtain a decision on the constitutional question; or, thirdly, to use direct coercion with the bayonet.

As to the first, consideration of the commercial tribute South Carolina was paying would prevent its use. The third would totally destroy the Union and was but a wild speculation, unworthy of serious thought. The second was, he believed, the remedy which would be applied. If three-fourths of the states should decide for the tariff, then South Carolina, resting on her sovereignty, could decide whether to join a confederacy in which the prohibitory system was sanctioned by the very Constitution of the Union. But he confidently believed the tariff would be rejected and a purified constitution would be the result.

#### DIVIDED SENTIMENT IN THE LEGISLATURE

The Legislature, which met in November, 1828, found the sentiment of its members as much divided as that of the public. Hugh S. Legaré, the brilliant lawyer and member of the House, deformed of body but earnest and strong of soul, who, later was to make a fine record as attorney general of the United States and diplomatist, was a leader of the moderates, and was stanchly supported by James L. Petigru, the attorney general of the State. The discussion waged back and forth for two weeks, and in the meantime William C. Preston, also a brilliant lawyer sometime president of South Carolina College, dominated by the radical, Chancellor William Harper, had induced John C. Calhoun to write a report for submission to the special committee which had the Tariff, Nullification and all allied matters under consideration. Calhoun's report was known as the Exposition.

#### SOUTH CAROLINA'S EXPOSITION AND PROTEST

The authoritative opposition of South Carolina to the Tariff of Abominations was centered in what became known as the "South

Carolina Exposition and Protest." The matter had been referred to the House Committee of the Whole, which, in turn, transferred it to a special committee of seven comprising James Gregg, D. L. Wardlaw, Hugh S. Legaré, Arthur P. Hayne, William C. Preston, William Elliott and R. Barnwell Smith. It was never adopted by either branch of the South Carolina Legislature, but 5,000 copies were ordered printed by the House. Meigs, the latest and ablest biographer of Calhoun, says of it: "Printed thus by authority and widely circulated as it was, as well as offering in Calhoun's crystal-like logic, by far the most complete argument to be found in favor of South Carolina's contentions, we need not wonder that it came ere long to be known as 'The South Carolina Exposition'." Calhoun himself so wrote it, and was evidently not unwilling to magnify his own offspring. This great paper is so complete, and brings so many details into the discussion in proof of the contention that the burdens of the tariff would fall almost exclusively upon the South that it is only practicable to here refer the reader to Richard K. Cralle's "John C. Calhoun" (Vol. VI) for its complete text. Only one of its concluding clauses is reproduced, viz: "With these views the committee are solemnly of impression—if the present usurpations and the professed doctrines of the existing system be persevered in, after due forbearance on the part of this State—that it will be her sacred duty to interpose her veto; a duty to herself, to the Union, to present, and to future generations, and to the cause of liberty over the world; to arrest the progress of a power which, if not arrested, must, in its consequences, corrupt the public morals and destroy the liberty of the country."

#### THE PROTEST

The Protest was the joint action of "the Senate and House of Representatives of South Carolina now met and sitting in General Assembly, through the Hon. William Smith and Hon. Robert Y. Hayne, their representatives in the Senate of the United States," "in the name and on behalf of the good people of the said commonwealth." It was a solemn protest against the "system of protecting duties, lately adopted by the Federal Government, for the following reasons" (and as the Exposition was therein condensed and the firm position of the State never better expressed, these Reasons are quoted):

"1st—Because the good people of this commonwealth believe that the powers of Congress were delegated to it, in trust for the accomplishment of certain specified objects which limit and control them, and that every exercise of them for any other purposes is a violation of the Constitution as unwarrantable as the undisguised assumption of substantive, independent powers not granted, or expressly withheld.

"2d—Because the power to lay duties on imports is and, in its very nature, can be, only a means of effecting objects specified by the Constitution; since no free government and, least of all, a government of enumerated powers, can, of right, impose any tax, any more than a penalty which is not at once justified by public necessity, and clearly within the scope and purview of the social compact; and since the right of confining appropriations of the public money to such legitimate and constitutional objects is as essential to the liberties of the people as their unquestionable privilege to be taxed only by their own consent.

"3rd—Because they believe that the Tariff law passed by Congress at its last session, and all other acts of which the principal

object is the protection of manufactures, or any other branch of domestic industry, if they be considered as the exercise of a supposed power in Congress to tax the people at its own good will and pleasure, and to apply the money raised to objects not specified in the Constitution, is a violation of these fundamental principles, a breach of a well-defined trust and a perversion of the high powers vested in the Federal Government for federal purposes only.

"4th—Because such acts, considered in the light of a regulation of commerce, are equally liable to objection; since, although the power to regulate commerce may, like other powers be exercised so as to protect domestic manufactures, yet is clearly distinguishable from a power to do so both in the nature of the thing and in the common acceptance of the terms, and because the confounding of them would lead to the most extravagant results, since the encouragement of domestic industry implies an absolute control over all the interests, resources and pursuits of a people, and is inconsistent with the idea of any other than a simple, consolidated government.

"5th—Because, from the contemporaneous exposition of the Constitution in the numbers of the *Federalist* (which is cited only because the Supreme Court has recognized its authority), it is clear that the power to regulate commerce was considered by the Convention as only incidentally connected with the encouragement of agriculture and manufactures; and because the power of laying imposts and duties on imports was not understood to justify, in any case, a prohibition of foreign commodities, except as a means of extending commerce by coercing foreign nations to a fair reciprocity in their intercourse with us, or for some other bona fide commercial purpose.

"6th—Because, whilst the power to protect manufactures is nowhere expressly granted to Congress, nor can be considered as necessary and proper to carry into effect any specified power, it seems to be expressly reserved to the States by the tenth section of the first article of the Constitution.

"7th—Because, even admitting Congress to have a constitutional right to protect manufactures by the imposition of duties or by regulations of commerce, designed principally for that purpose, yet a Tariff of which the operation is grossly unequal and oppressive is such an abuse of power as is incompatible with the principles of a free government and the great ends of civil society—justice, and equality of rights and protection.

"8th—Finally, because South Carolina, from her climate, situation and peculiar institutions is, and must ever continue to be, wholly dependent upon agriculture and commerce not only for her prosperity, but for her very existence as a State; because the valuable products of her soil—the blessings by which Divine Providence seems to have designed to compensate for the great disadvantages under which she suffers in other respects—are among the very few that can be cultivated with any profit by slave labor; and if, by the loss of her foreign commerce, these products should be confined to an inadequate market, the fate of this fertile State would be poverty and utter desolation; her citizens, in despair, would emigrate to more fortunate regions, and the whole frame and constitution of her civil polity, be impaired and deranged, if not dissolved entirely.

"Deeply impressed with these considerations, the representatives of the good people of this commonwealth, anxiously desiring to live in peace with their fellow-citizens, and to do all that in them lies to preserve and perpetuate the Union of the States and the liberties of which it is the surest pledge—but feeling it to be their bounden duty



to expose and resist all encroachments upon the true spirit of the Constitution, lest an apparent acquiescence in the system of protecting duties should be drawn into precedent—do, in the name of the Commonwealth of South Carolina, claim to enter upon the Journals of the Senate their protest against it as unconstitutional, oppressive and unjust.”

“Which Exposition and Protest \* are respectfully submitted,  
“J. GREGG, Chairman.”

As has been said, the “Exposition and Protest” although reported were never adopted by either house of the Legislature, although 5,000 copies were printed by order of the house. Instead, a rather conservative set of resolutions were adopted, declaring, in general terms, that the tariff acts were unconstitutional and should be resisted, and inviting the other states of the South to co-operate with South Carolina in this plan of opposition. The resolutions were sent to the several Southern governors to be submitted to the State legislatures.

#### DEATH OF FORMER GOVERNOR WILLIAMS

General and former Governor David R. Williams, as he looked out from his eyrie in the Pee Dee † upon the troubled State was still preferring the tariff to civil war and practicing his method of opposition to it. In his own words: “I shall make within the year more than 20,000 yards of coarse cotton and woollen goods—have killed upwards of 500 head of hogs of my own raising, and have young mules and colts enough to hinder me from buying a Western (Kentucky) horse or mule for years.”

General Williams was widely mentioned as a candidate for governor in the fall of 1830. In November of that year, about a month before his death, he wrote a letter to Governor Miller stating why he declined to be a candidate against James Hamilton, Jr., or any other public man. After stating his position on the tariff and internal improvements and the “original sin” of the Federal Government (the Bank of the United States), and insisting that he did not differ from Hayne, Hamilton, Miller, or other leaders, in his abhorrence to the American System, the general pathetically added that “it is, however, my misfortune to differ from these gentlemen not concerning our wrongs, but how we shall get rid of them. I think the heat that has been manifested is too great to last. I fear that violence may bring our doctrine into disrepute. I believe that Nullification will lead to conflict with the General Government.” He was opposed to the calling of a convention, at the risk of committing South Carolina to an independent course without consultation with the other southern states. As long as there was a chance of righting the wrongs imposed upon the State by the American System through the mediums of reason and argument, he was opposed to physical resistance. General Williams concludes: “You tell me that Major Hamilton is willing to consider me a candidate in the field, brought out against him on principle. I have held communications with no man on that subject, but to express my decided refusal. I shun public life with the utmost solicitude and especially the executive office. I am not a candidate, nor can any circumstance make me one. This declaration seems a matter of equal indifference to my friends and to their oppo-

\* “It is not clear whether the “Protest” and reasons were Calhoun’s or the committee’s. Mr. W. M. Meigs thinks they were “probably Calhoun’s.”

† Dr. Harvey T. Cook’s “Life and Legacy of David Rogerson Williams.”

nents. I receive cold and freezing looks from one, and shameless abuse from the other. I have been denounced as a friend to the tariff, a submission man and a Tory.

"As I cannot be enticed from my convictions, so neither will I be driven from them; and on no account will I fight under any colors but of my own choosing. \* \* \* All I now seek is practical usefulness to the State and my family; and that, when I am gone, it may be said of me 'he never deserted a friend or injured a neighbor!'"

His death occurred November 17, 1830, as the result of injuries received while he was superintending the construction of a bridge at Lynch's Creek, Witherspoon's Ferry. The deceased was one of the most trusted, versatile, able and lovable men which South Carolina ever produced.

#### DEATH OF THOMAS PINCKNEY

While these burning issues, which agitated South Carolina more than any other southern state, were seething and unsolved, a veteran leader of other days passed away from their theater, quietly, but deeply mourned. Gen. Thomas Pinckney, the famed soldier and diplomat, the friend and protector of Lafayette, who had spent the last years of his nearly fourscore in rural retirement and social radiation, died on November 21, 1828, while the South Carolina Legislature was still discussing what was best to be done with the Exposition and Protest.

#### REVIVAL OF RAILROAD PROJECT

The last of Governor Taylor's term was marked by a revival of interest in great internal improvements. The commencement of the revival is indicated by the report of a meeting held on December 6, 1827, to recommend to the Legislature surveys of a canal and the projected railroad. The Charleston City Gazette gives the news, under date of the 7th, as follows: "By a call of the City Council, a public meeting of the citizens of the parishes of St. Philip and St. Michael was held in the City Hall at one o'clock yesterday, when on motion of James L. Petigru, Esq., \* \* \* seconded by Colonel Cross, it was unanimously resolved: That a committee of twelve citizens be appointed to draft a memorial to our State Legislature praying that a survey of the country between the Savannah and Ashley rivers may be made with a view to a canal that will connect them, and also a survey of the country between Augusta and Charleston with a view to a railroad, and that measures be adopted to procure as early as possible, all information, estimates of expense, etc., touching this important subject. On motion of Colonel Hunt, it was resolved that the committee to be appointed do forthwith report to the meeting. The chairman then appointed the committee as follows: James L. Petigru, Esq., Col. George W. Cross, Col. B. F. Hunt, John Robinson, Charles Edmonston, Ker Boyce, Robert Martin, William Washington, Thomas Fleming, Thomas Napier, James Jervey, and J. N. Cardozo, Esq. All the gentlemen being present, they retired, and, after about half an hour's absence, returned, and Colonel Hunt read the memorial, which was unanimously accepted by the meeting."

The memorial to which reference is made referred to the depressed condition of commerce at home, pictured the advantages of Charleston as a future emporium of trade and commerce for the southern and western United States, and argued that by increasing its transporta-

tion facilities and, through a railroad, by bringing that vast hinterland and the seacoast within a few hours of each other, its brilliant prospects would be hastened. The memorial further expressed the belief that if a survey of the road were made, the money for building it could be raised. Within two weeks the charter was granted by the Legislature, but proved imperfect and was amended by an act passed January 30, 1828. Under that measure, the commissioners appointed to open books of subscription at Columbia, Camden, Hamburg and Charleston, were William Law, David Ewart, James Boatwright, Thomas Lang, James S. Murray, Charles J. Shannon, Christian Bright-haupt, Paul Fitzsimons, Samuel L. Watt, Timothy Ford, Stephen Elliott and René Godard.

#### STEPHEN D. MILLER BECOMES GOVERNOR

Stephen D. Miller was elected governor in 1828, to succeed John Taylor. He was one of the rising men of the State, from Sumter District; was a graduate of South Carolina College and had been a law student of the able attorney and Judge, John S. Richardson, to whose practice he succeeded. He had also succeeded his former instructor in Congress, in 1818, and at first opposed Calhoun's State rights doctrine. From 1822 to 1828 he served in the State Legislature and when he became governor in the latter year was so widely known and admired that at the conclusion of his term as governor, he was elevated to the United States Senate. Although Governor Miller afterward became a Nullifier, he was classed as one of the moderates.

During Governor Miller's term a distinct cleavage appeared in South Carolina between the State Rights and Union parties. It is doubtful where the weight of influence and leadership at this period rested. Ex-Congressman Joel R. Poinsett, J. R. Pringle; Col. B. F. Hunt and William Aiken, both able railroad promoters; James L. Petigru, Hugh S. Legare and Daniel E. Huger, especially elected to the Legislature as a leader of the Union party, were all of that faction.

In the State Rights party, the prominent leaders were James Hamilton, Jr., a coworker with Calhoun in Congress, Chancellor Harper, W. C. Preston, Robt. Y. Hayne and H. L. Pinckney.

#### STATE FINANCES

A measure passed during the Miller administration that had a progressive effect on the finances of the State. In 1830 the Bank of the State was rechartered until 1856. It had discharged \$215,931 of the principal of the State debt. This burden, however, had been increased by the expenditures for internal improvements of \$1,892,880, leaving about \$1,676,949 still due. The available assets of the bank at this date amounted to \$3,768,292.

#### UNION AND STATE RIGHTS LEADERS

The election of November, 1830, resulted in the return of eleven Unionists to the Legislature and five of the State Rights party. The former, however, were by no means completely triumphant; for Mr. Pinckney, Calhoun's special mouthpiece, was sent to the House, and Mr. Petigru, one of the strongest of the Union leaders was defeated for the State Senate. Largely through the influence of Governor Miller, William C. Preston and A. P. Butler, representing different degrees of

Nullification, H. L. Pinckney was chosen speaker of the lower house of the Legislature.

Hugh S. Legare \* and John Belton O'Neill, both Unionists, were raised respectively to the attorney-generalship and a judgeship. At this session there came into notice a young man who soon made his influence distinctively felt—Barnwell Smith, as he was then called, for the family had not then taken the name of Rhett. The Legislature proceeded to the election of a United States senator. Governor Miller was elected to succeed Judge William Smith by a vote of 81 to 77 and one blank. The result of the senatorial election was to gauge the onward flow of public sentiment. As one writer puts it: "Smith had been defeated by Hayne because he was too much of a Radical; apparently now, because not quite enough."

#### THE BANK OF THE STATE

The war between England and France, causing the imposition of the embargo and the non-intercourse acts of 1807 and 1809, and finally the declaration of war against Great Britain in 1812, bore heavily on the agricultural interests of South Carolina. From December, 1807, foreign trade was almost cut off. Agricultural productions accumulated in the hands of the farmers and became well-nigh unsalable. Money almost ceased to circulate among the people and business came to a standstill.

To relieve this distress, the Legislature in 1812 chartered the Bank of the State, vesting in it the cash in hand and funds belonging to the State, with power to loan on real security and personal, at 7 per cent interest, payable annually in advance and renewable for a term of years. All stocks, bonds, shares and claims belonging to the State, the unexpended money in the treasury and all taxes to be thereafter collected, were deposited in the bank, vested in the president and directors, and the faith of the commonwealth pledged to its support and to guarantee the payment of all debts due depositors. The bank agreed to meet the interest on the State debt. This consisted of 3 per cent Revolutionary stock, which the Legislature estimated, for redemption purposes, to be valued at 55 cents on the dollar, or a total of \$332,870. This stock was all to be redeemed and cancelled by December 31, 1824, the charter of the bank running until May, 1824. It was re-chartered several times, and it has a notable and perhaps unique history, coextensive with the finances of the State, for more than sixty years.

The report of the joint committee of the General Assembly in December, 1859, showed that the bank was in a prosperous condition; that it had paid debts of the State in excess of the interest and principal of the funds with which it has been intrusted by the State; that deducting all the liabilities of the bank for issues, deposits, balances due to other banks, etc., from the \$7,779,337 representing its assets, there remained \$3,085,397 of such assets, the fruits of its management. The Bank of the State, as well as the leading banks in Charleston, always ranked high and their bills were credited at face value throughout the Union at the time when the issues of nearly every other State and State bank had depreciated in value. Henry White, the eminent authority on American banking, pays glowing tribute to the integrity and high financial ability of the bankers of South Carolina. This great institution (the Bank of the State) was virtually wrecked by the negro

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\* Theodore D. Jervey's "Robert Y. Hayne and His Times."

legislature of 1868, which repudiated the war debt, and closed its operations. Its tills were almost empty and in 1870 it went into the hands of receivers, who gradually closed out all its business.

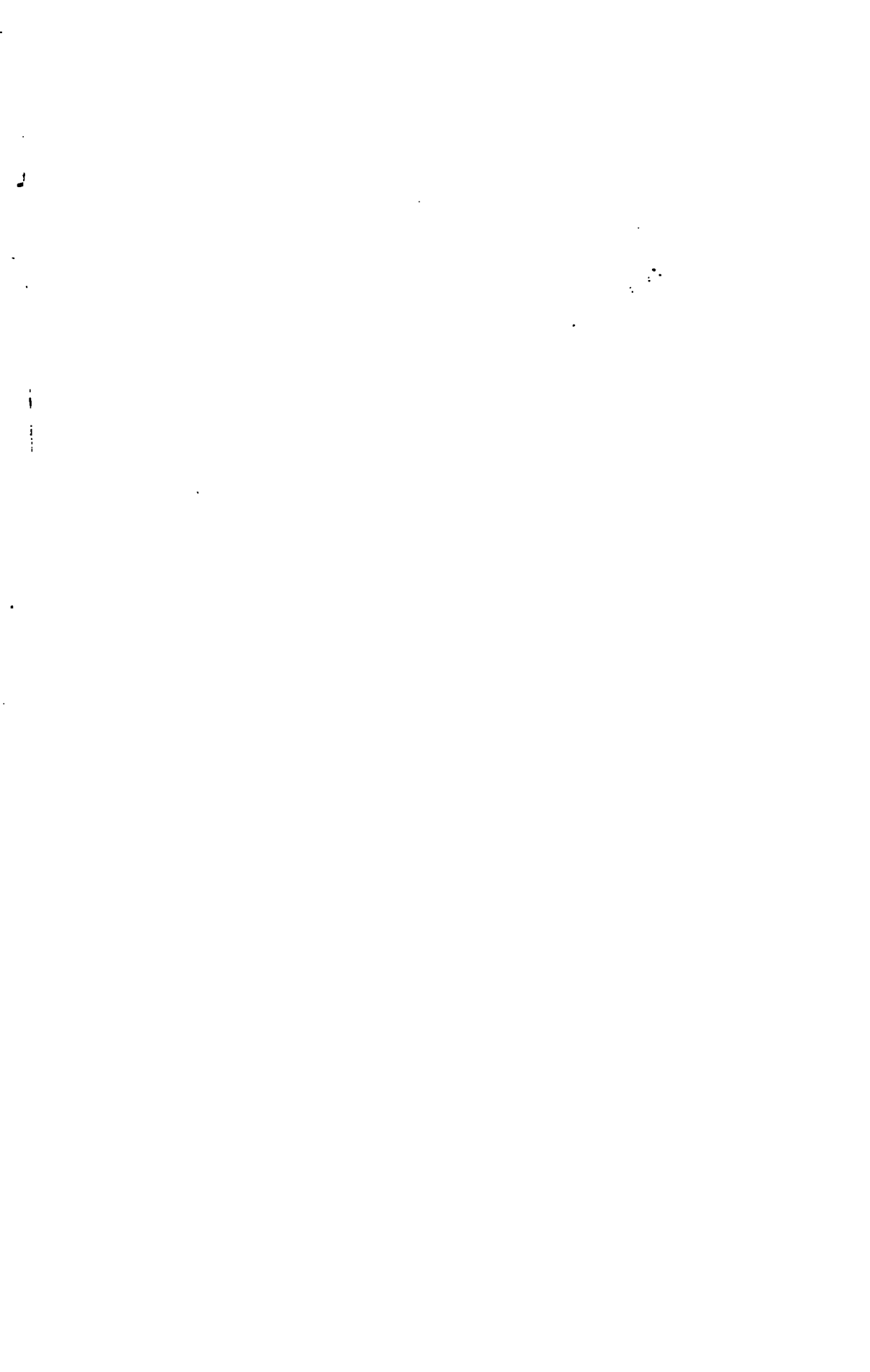
The years of peace, during which South Carolina and the other states of the Union had waxed strong in all ways but those which had to do with force of arms, were to be followed by a season of conflict with the greatest power on earth, lacking, as always, the elements which always have made America unconquerable—a spirit which knows not defeat, and an elasticity and an originality which have ever circumvented offensives and defenses conducted by cast-iron rules of warfare.











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